

LAWS
OF THE
STATE OF DELAWARE

PASSED

AT A SESSION OF THE GENERAL ASSEMBLY,

COMMENCED AND HELD AT DOVER,

ON TUESDAY, JANUARY 3, A. D. 1893,

AND

IN THE YEAR OF THE INDEPENDENCE OF THE UNITED
STATES THE ONE HUNDRED AND SEVENTEENTH.

VOLUME XIX—PART II.

1893:

JAMES KIRK & SON, PRINTERS,
DOVER, DELAWARE.

A

r

I

a

t

A

s

a

f

A

st

p

k

T

a

tl

in

h

ac

si

LAWS OF DELAWARE.

CONSTITUTIONAL AMENDMENTS.

CHAPTER 540.

AN ACT to ratify a proposed Amendment to the Constitution of this State in relation to Article Nine thereof.

WHEREAS the General Assembly did propose an amend- Preamble.
ment to the Constitution of this State by an act passed at
Dover, May 16th, A. D. 1891, which act and proposed
amendment are in the words following, to wit :

An Act proposing an amendment to the Constitution of Chapter 2,
this State. Volume 19.

SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each house deeming it necessary and by and with the approbation of the Governor):* That the following amendment be and the same is hereby proposed to Amendment
Article Nine of the Constitution of this State, that is to say, to the con-
stitution
strike out all of said article which reads thus : proposed.

No convention shall be called but by the authority of the people: and an unexceptionable mode of making their sense known will be for them at a special election on the third Tuesday of May in any year to vote by ballot for or against a convention as they shall severally choose to do; and if thereupon it shall appear that a majority of all the citizens in the State, having the right to vote for representatives, have voted for a convention, the General Assembly shall accordingly at their next session call a convention, to consist of at least as many members as there are in both houses

CONSTITUTIONAL AMENDMENTS.

of the legislature, to be chosen in the same manner, at the same places, and at the same time that representatives are by the citizens entitled to vote for representatives, on due notice given for one month, and to meet within three months after they shall be elected. The majority of all the citizens in the State, having right to vote for representatives shall be ascertained by reference to the highest number of votes cast in the State at any one of the three general elections next preceding the day of voting for a convention, except when they may be less than the whole number of votes voted both for and against a convention, in which case the said majority shall be ascertained by reference to the number of votes given on the day of voting for or against a convention; and whenever the General Assembly shall deem a convention necessary, they shall provide by law for the holding of a special election for the purpose of ascertaining the sense of a majority of the citizens of the State entitled to vote for representatives.

And in lieu thereof insert the following, that is to say :

Time of
voting for
or against
a convention
to be altered.

Form of
ballot.

Mode of
ascertaining
majority.

Duty of
General
Assembly.

No convention shall be called but by the authority of the people: and the mode of making their sense known shall be, that at any general election held for representatives in the General Assembly, and which shall have been prescribed by the General Assembly at its regular session next preceding the said election as the proper occasion for ascertaining such sense, the citizens of this State entitled to vote for representatives at such election may vote by ballot for or against a convention as they shall severally choose to do, and in so voting the ballot shall be separate from those cast for any person voted for at such election and shall be kept distinct and apart from any other ballot so cast; and if at any such election the number of votes for a convention shall be equal to a majority of all the citizens in the State having right to vote for representatives, ascertained by reference to the highest number of votes cast in the State at any one of the three general elections next preceding the day of voting for a convention, except when they may be less than the whole number of votes voted both for and against a convention, in which case the said majority shall be ascertained by reference to the number of votes given on the day of voting for or against a convention, the General Assembly shall, at its next session, call a convention, to consist of at least as many members as there are in both houses of the legislature, to be chosen in the same manner, at the same places, and at the

CONSTITUTIONAL AMENDMENTS.

same time that representatives are by the citizens entitled to vote for representatives, on due notice given for one month, and to meet within three months after they shall be elected. The legislature shall provide by law for receiving, tallying, and counting the said votes for and against a convention and for returning to the General Assembly at its next session the state of the said vote, and also for ascertaining and returning to the said General Assembly the number of ballots cast at said election on or by which representatives were voted for, so as to enable it to determine whether a majority of those who voted for representatives voted for a convention; and shall also by law enact all provisions necessary for giving full effect to this article.

Returns of
the election.

SECTION 2. *And be it further enacted*, That the Secretary of State be and he is hereby directed, after the Governor shall have approved of the above proposed amendment, duly to publish the said proposed amendment in print in the several newspapers published in this State, at least three and not more than six months before the next general election of representatives, for the consideration of the people.

Secretary of
State to
publish the
proposed
amendment
after approval
by the
Governor.

AND WHEREAS the said act and the amendment therein and thereby proposed have been duly approved by the Governor, and since his said approbation have been published in print in two or more newspapers of this State for the consideration of the people, at least three and not more than six months before the general election of representatives in this State held on Tuesday, the eighth day of November, Anno Domini one thousand eight hundred and ninety-two, which was the next general election of representatives after the passage of the said act, in conformity with the provisions of the constitution and of the said act in that behalf; therefore

Further
Preamble.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of each branch of the Legislature concurring):

SECTION 1. That the amendment proposed by the said act entitled "An act proposing an amendment to the Constitution of this State," passed at Dover, May 16th, A. D. 1891, be and the same hereby is ratified and declared to be valid to all intents and purposes as part of the Constitution of the State of Delaware.

Amendment
to Article
IX ratified,
and declared
part of con-
stitution.

Passed at Dover, January 20, 1893.

CONSTITUTIONAL AMENDMENTS.

CHAPTER 541.

AN ACT ratifying a proposed Amendment to the Constitution of this State.

Preamble.

Chapter 1,
Volume 19.

WHEREAS the General Assembly of this State, by an act passed at Dover, April 28, 1891, entitled "An act proposing an amendment to the Constitution of this State," did propose to amend the first clause of the first section of the Fourth Article of said constitution by adding the following thereto, immediately after the word "ballot":

Means of
voting.

"But the legislature may by law prescribe the means, methods and instruments of voting so as to best secure secrecy and the independence of the voter, preserve the freedom and purity of elections, and prevent fraud, corruption and intimidation thereat."

Further
Preamble.

AND WHEREAS the Governor did approve said amendment, which was, after said approval, duly published in two or more newspapers of this State for the consideration of the people, at least three and not more than six months before the last general election of representatives after the passage of said act of April 28, 1891; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (three-fourths of each branch of the Legislature concurring therein):

Amendment
ratified.

SECTION 1. That the amendment proposed by the said act entitled "An act proposing an amendment to the Constitution of this State," passed at Dover, April 28, 1891, be and the same is hereby ratified and confirmed; and said amendment shall be valid to all intents and purposes as part of the Constitution of this State.

Passed at Dover, February 15, 1893.

CONSTITUTIONAL AMENDMENTS.

CHAPTER 542.

AN ACT proposing an Amendment to the Constitution of this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each house deeming it necessary and concurring herein, and by and with the approbation of the Governor):

SECTION 1. That the following amendment be and the same is hereby proposed to the third section of Article Six of the Constitution of this State, that is, by adding the following additional clause thereto: Revised Code of 1874 page xxxiv.

"Said court shall have the exclusive cognizance of granting divorces, but for the causes and upon the conditions prescribed by the Legislature." Power of Superior Court to grant divorces.

SECTION 2. That the Secretary of State be and he is hereby directed, after the Governor shall have approved of the above proposed amendment, duly to publish the said proposed amendment in the several newspapers published in this State, at least three and not more than six months before the next general election of representatives, for the consideration of the people. Secretary of State, after approval by Governor to publish proposed amendment.

Passed at Dover, April 20, 1893.

CONSTITUTIONAL CONVENTION.

CHAPTER 543.

AN ACT prescribing the next General Election as the proper occasion for ascertaining the sense of the people in respect to calling a Convention to revise, alter and amend the Constitution.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

General election of 1894 prescribed as proper occasion for ascertaining the sense of the people.

SECTION 1. That at the general election to be held in this State on the Tuesday next after the first Monday in the month of November in the year of our Lord one thousand eight hundred and ninety-four, the citizens of this State entitled to vote for representatives at such election may vote by ballot for or against a convention as they shall severally choose to do, and in so voting the ballot shall be separate from those cast for any person voted for at such election and shall be kept distinct and apart from any other ballot so cast.

Ballots, form of, &c.

SECTION 2. That the ballots for or against a convention shall be of such uniform and suitable size that they may readily be distinguished from the ballots prescribed by law for candidates for office, and of such quality, color and thickness of paper that the printing thereon cannot be recognized from the back thereof.

The words "For a Convention" shall be printed on the right hand side of each ballot, and the words "Against a Convention" on the left hand side thereof; and, in voting, each voter shall mark, with the stamp provided for the said general election, his ballot within the space immediately above either the said words "For a Convention" or "Against a Convention," and thereby indicate on which side he desires to vote. The said ballots shall be provided, printed, packed, supplied, distributed, received, opened, signed, delivered for voting, voted, deposited, counted, preserved and destroyed by the same persons, at the same times and places, in the

CONSTITUTIONAL CONVENTION.

same manner, according to the same regulations and subject to the same penalties so far as applicable to the purposes of this act as is now or hereafter shall be prescribed concerning the said general election by the act entitled "An act to provide for the secrecy and purity of the ballot," passed at Dover, May fifteenth, eighteen hundred and ninety-one, or any amendment or supplement thereto.

SECTION 3. That the sheriffs or other officers who are required by law to deliver to the proper election officers the ballot boxes, tally lists and other prescribed articles for use at the said general election, shall also, in addition thereto deliver to the same persons at the same times, two suitable ballot boxes for each voting place, with tape and sealing wax therefor, together with such written or printed forms of tally lists, certificates of the votes cast for or against a convention and other articles as shall be required for the purposes of this act. The votes given for or against a convention shall be received, counted, tallied and certified, and the state of the vote for or against a convention canvassed, ascertained and certified by the same persons, at the same places, during the same hours, in the same manner, according to the same regulations and subject to the same penalties so far as applicable to the purposes of this act as is now or hereafter shall be prescribed by law concerning the said general election. The certificates respectively of said votes shall contain and show accurately the number, in words at length, of votes cast for a convention and against a convention.

Duty of
Sheriff and
Clerk of the
Peace.

Duty of
election offi-
cers.

SECTION 4. That the returns of the state of the vote for or against a convention canvassed, ascertained and certified as aforesaid by the board of canvass of each county, and duplicates thereof, shall be delivered in the same manner, by the same persons, in the same way, and to the same officers as the returns of the election for Governor and duplicates thereof are required to be delivered by direction of the Constitution of this State.

Returns and
certificates,
to whom
delivered.

SECTION 5. That the General Assembly shall at the next session thereof after said general election, and on the third Wednesday after its organization, meet in joint session, in the hall of the House of Representatives, to be present at the opening and publishing of the said returns of the state of the vote for or against a convention, and to ascertain therefrom the result of said vote throughout the State by

General As-
sembly to
canvass vote

CONSTITUTIONAL CONVENTION.

calculating the aggregate amount of all the votes that shall have been given respectively for a convention and against a convention in all the counties of the State.

If vote be
affirmative
Convention
to be called.

SECTION 6. That if thereupon it shall appear that at said general election the number of votes for a convention shall be equal to a majority of all the citizens in the State having right to vote for representatives, as ascertained by reference to the highest number of votes cast in the State at any one of the three general elections next preceding the day of voting for a convention, except when they may be less than the whole number of votes voted both for and against a convention, in which case the said majority shall be ascertained by reference to the number of votes given on the day of voting for or against a convention, the General Assembly shall, at its said next session after said general election, make provision by appropriate legislation for the calling and election of a convention, to consist of at least as many members as there are in both houses of the legislature, to be chosen in the same manner, at the same places, and at the same time that representatives are by the citizens entitled to vote for representatives, on due notice given for one month, and to meet within three months after they shall be elected.

Duty of
Sheriff and
other officers
in relation to
returns of
election, &c.

SECTION 7. That it shall be the duty of the sheriff or other officers to whom the ballot boxes used at said general election shall be delivered for the purposes of this act, to keep the said boxes, and the ballots and the certificates and tally lists of the vote for or against a convention deposited therein safely, until the meeting of the General Assembly at its said next session after the said election, and to hold the same subject to the order of the General Assembly during the said session.

Passed at Dover, April 6, 1893.

TITLE FIRST.

Of the Jurisdiction and Property of the State; its Legislation and Laws.

CHAPTER 544.

OF LIMITS.

AN ACT to amend Chapter 6, Volume 19, of the Laws of Delaware, entitled "An act dividing the Brandywine Hundred West Election District into two election districts."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That said Chapter 6, Volume 19, be amended by striking out all of Section 1 of said chapter after the words "northern election district," in line 25 thereof, and inserting in lieu thereof the following words, to wit: "And also all that portion formerly of Brandywine Hundred East Election District, lying west of Holly Oak on Tide Creek and south and west of the Baltimore and Philadelphia Railroad and the Lodge road which has lately been taken from the territory formerly of the said east election district."

Dividing
line of West
Election
District
Brandywine
Hundred al-
tered.

SECTION 2. That said Chapter 6, Volume 19, be further amended by striking out the words "store now occupied by Samuel Moore, at a place called Maplewood, on the Philadelphia and Wilmington Turnpike," and inserting in lieu thereof the words "Shellpot Schoolhouse."

Place of vo-
ting in
Southern
Election
District
changed.

Passed at Dover, April 25, 1893.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

CHAPTER 545.

OF LIMITS.

AN ACT to amend Chapter 82, Volume 12, Laws of Delaware, entitled "An act dividing Brandywine Hundred into two Election Districts, as amended."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Chapter 82,
Volume 12,
Rev. Code,
1874, p. 3.

Dividing
line of Elec-
tion Dist-
ricts of
Brandywine
Hundred
changed.

SECTION 1. That the said act, as printed in the Revised Code of the year 1874, page 3, be amended by striking out all the words between the words "wit" in line 5 of Section 1 of said act and the word "thence" in line 8 of the same section and inserting in lieu thereof the following words, to wit: "Beginning on the Delaware River at Holly Oak or Tide Creek; thence with the several meanderings of the main or most northerly branch thereof until it intersects the Baltimore and Philadelphia Railroad; thence westerly by the course of said railroad until the said railroad intersects the Lodge road at Silver Side Station; thence with said Lodge road, formerly called Cabin road, in a north-westerly direction until the said Lodge or Cabin road intersects the Faulk road at Talley's Corner."

Passes at Dover, May 4, 1893.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

CHAPTER 546.

OF LIMITS.

AN ACT to change the names of the Election Districts of Pencader Hundred, New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That from and after the passage of this act all that part of Pencader hundred, New Castle county, lying north of the road running east and west and now dividing the said hundred into two election districts shall be known as North Pencader Election District, and all that part of the said hundred lying south of the said road shall be known as South Pencader Election District.

Names of
election dis-
tricts in Pen-
cader Hun-
dred
changed.

Passed at Dover, March 10, 1893.

CHAPTER 547.

OF LIMITS.

AN ACT to change the voting place in the South Milford Election District in Cedar Creek Hundred, Sussex County, Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That from and after the passage of this act the voting place for all elections to be held in the South Milford Election District shall be the armory situate in the said district.

Place of vot-
ing in South
Milford
Election
District,
Cedar Creek
Hundred,
changed.

Passed at Dover, May 3, 1893.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

CHAPTER 548.

OF LIMITS.

AN ACT to protect the Marks of the Boundaries of this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Misdemeanor to deface boundary line monuments.

Penalty.

SECTION I. That if any person shall willfully deface, mutilate, damage, displace, or remove any stone or monument placed or fixed under authority of this State to mark any boundary line of this State such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay to the State a sum not exceeding one thousand dollars (one-half of which shall be for the use of and paid to the informer), and shall be imprisoned for a term not exceeding one year.

Passed at Dover, April 27, 1893.

CHAPTER 549.

OF LIMITS.

AN ACT providing for two Assessors and two Collectors for Mispillion Hundred, Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Mispillion Hundred divided into two assessment and collection districts.

SECTION I. That Mispillion Hundred, in Kent county, shall be divided for the more convenient assessment and collection of taxes into two assessment and collection districts, having for their boundaries the same lines and being of the same dimensions as the election districts of said hundred as now established and designated as District No. 1 and District No. 2.

OF SOVEREIGNTY, JURISDICTION AND LIMITS.

SECTION 2. That at the next election for assessors in said hundred there shall be elected one assessor for each district as provided for in Section 1 of this act, and until such election is held the present assessor shall perform all the duties and have all the powers now provided by law.

At next
General
Election one
Assessor to
be elected
for each dis-
trict.

SECTION 3. That the duties of the assessors elected under the provisions of this act shall, within the assessment districts herein established, be the same as those prescribed by law for the assessors of the several hundreds, and all laws applicable to assessors elected under the provisions of Chapters 17 and 19 of the Revised Statutes of this State, and not inconsistent with this act, shall apply to assessors of the assessment districts hereby established.

Duties of
Assessors.

SECTION 4. That one collector shall be appointed by the Levy Court of Kent county for each of the collection districts aforesaid, according to the provisions of Section 19, Chapter 8, Revised Statutes of this State, and all other laws applicable to the collectors of the several hundreds appointed under the provisions of the said section shall be applicable to the collectors of the collection districts hereby established.

Collectors to
be appointed

Passed at Dover, Feb. 8, 1893.

OF PUBLIC LANDS.

CHAPTER 550.

OF PUBLIC LANDS.

AN ACT to revive and extend the act entitled "An act granting to William A. Atkinson the title of this State to a certain tract of salt marsh herein mentioned."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met,* That the act entitled "An act granting to William A. Atkinson the title of this State to a certain tract of salt marsh herein mentioned," passed at Dover, April 9, 1891, be and the same is hereby revived and extended, and the said William A. Atkinson shall be entitled to all the rights, privileges and benefits which he might have had under the said act; but before he shall avail himself of the grant of marsh under the said act, and which is hereby revived and extended, he shall procure a copy of said original act from the Secretary of State and cause the same to be recorded in the proper office in and for Kent county, and the Secretary of State shall endorse on said copy the fact of revival by this act.

Act of April
9, 1891, re-
vived and
extended.

Copy of ori-
ginal act to
be recorded.

Passed at Dover, April 21, 1893.

OF THE PASSING AND PUBLICATION OF THE LAWS.

CHAPTER 551.

OF THE PASSING AND PUBLICATION OF THE LAWS.

AN ACT to amend Chapter 1, Vol. 13, Laws of Delaware, (being a part of Chapter 4, page 24, of the Revised Code.)

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Chapter 1, Vol. 13, Laws of Delaware (being a part of Chapter 4, page 24, of the Revised Code of this State), be and the same is hereby amended by inserting in Section 3 of the first named chapter, between the word "dollars" and the word "and" in the fourth line of said Section 3, the following words, viz: "or when such corporation is given the power to increase its capital stock to an amount exceeding fifty thousand dollars,".

Chapter 4, page 24, Revised Code, amended.

Corporations to be taxed according to power to increase capital stock.

Passed at Dover, March 10, 1893.

CHAPTER 552.

OF THE PASSING AND PUBLICATION OF THE LAWS.

AN ACT to revive and extend the time of Recording Private Acts.

WHEREAS by Section 3 of Chapter 4 of the Revised Statutes of the State of Delaware it is provided that private statutes (namely such as are not of a public nature or published as such) shall be recorded in the Recorder's office in one of the counties of this State within twelve months after their passage or they shall be void ; and

Preamble.

WHEREAS a number of the private and unpublished acts heretofore passed have been allowed to become void through ignorance of the aforesaid enactment, therefore, for the purpose of relieving the parties interested of the embarrassments and disappointments arising from such neglect in the premises; therefore

Further preamble.

OF THE PASSING AND PUBLICATION OF THE LAWS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Acts void for
neglect to
record
hereby re-
vived.

Past trans-
actions
made valid.

Not to take
effect until
certified
copy is
recorded.

Public act.

SECTION 1. That all unpublished acts heretofore passed that have become void on account of not being duly recorded in compliance with the provisions aforesaid and that have not by special acts been repealed or become void by lapse of the time for which they were limited, be and the same are hereby severally renewed and reenacted, and together with the provisions therein contained are respectively declared to be in full force, and all acts and transactions done and performed under the provisions of said acts respectively shall have the same force and effect, and be as valid to all intents and purposes as if the said acts had been severally recorded according to law. *Provided*, that this enactment shall not take effect in the case of any act that has become void as aforesaid until a certified copy thereof, procured of the Secretary of State, shall be duly recorded in the Recorder's office of one of the counties of this State; *and provided further*, that no such copy of a voided act shall be received for record after the expiration of one year from the passage of this act.

SECTION 2. That this act shall be deemed and taken to be a public act and be published as such.

Passed at Dover, April 17, 1893.

TITLE SECOND.

Of the Public Revenue; and the Assessment, Collection
and Appropriation of Taxes.

CHAPTER 553.

OF THE REVENUE OF THE STATE.

AN ACT to repeal an act entitled "An act providing Revenue for this State," Chapter 390, Volume 13, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives
of the State of Delaware in General Assembly met:*

SECTION 1. That Sections 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 of Chapter 390, Volume 13, Laws of Delaware, entitled "An act providing revenue for this State," with all amendments heretofore made to the said sections, be and the same are hereby repealed. Sections in Chapter 390, Volume 13, repealed.

Passed at Dover, March 22, 1893.

OF THE REVENUE OF THE STATE.

CHAPTER 554.

OF THE REVENUE OF THE STATE.

AN ACT to repeal "An act to repeal an act entitled 'An act providing revenue for this State,' Chapter 390, Volume 13, Laws of Delaware," passed at Dover, March 22, 1893.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Chapter 553,
Volume 19,
repealed.

SECTION 1. That the act entitled "An act to repeal an act entitled 'An act providing revenue for this State,' Chapter 390, Volume 13, Laws of Delaware," passed at Dover, March 22, 1893, be and the same is hereby repealed.

Sections 12
to 20, chap-
ter 390, Vol-
ume 13, re-
vived.

SECTION 2. That Sections 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22, of Chapter 390, Volume 13, Laws of Delaware, entitled "An act providing revenue for this State," with all amendments heretofore made to the said sections be and the same are hereby revived and reenacted.

Passed at Dover, April 17, 1893.

CHAPTER 555.

OF THE REVENUE OF THE STATE.

AN ACT to encourage the Consumption of Grain and raise Revenue for State purposes.

Preamble.

WHEREAS upon consideration it is found that the tax of ten cents per gallon imposed upon the manufacturers of alcoholic liquors by the act of Assembly passed April 5th, 1881, being Chapter 384, Vol. 16, Laws of Delaware, practically prohibits the erection and operation of any large distillery in this State by reason of the impossibility of competing under its provisions with outside manufacturers not subject to such tax;

OF THE REVENUE OF THE STATE.

AND WHEREAS it is believed that at a lower rate of taxation considerable revenue might be derived for the State and works erected which would assist growers of grain in disposing of their produce; therefore Further preamble.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That every distiller or manufacturer of spirituous or alcoholic liquors for sale shall, before beginning such manufacture and each and every year during which he shall operate his distillery or factory, procure a license from the State Treasurer which shall authorize the operation thereof, and shall pay to said State Treasurer, for the use of the State, an annual license fee of two hundred dollars, or a monthly license the sum of twenty dollars, and such license shall only be held to authorize the holder thereof to operate his distillery or factory during the time therein expressed, and shall authorize such holder to sell his products in quantities not less than one quart, which shall not be drunk on the premises. Distillers to procure license from State Treasurer. Limitations of license.

SECTION 2. That Section six (6) of Chapter 384 of Volume 16, Laws of Delaware, be and the same is hereby repealed, and the penalties provided in Section twelve (12) thereof shall be held to apply to violations of the provisions of this act. Section 6, Chapter 384, Volume 16, repealed.

Passed at Dover, April 21, 1893.

OF THE REVENUE OF THE STATE.

CHAPTER 556.

OF THE REVENUE OF THE STATE.

AT ACT to amend Chapter 476, Volume 15, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Chapter 476,
Volume 15,
amended.

Lien for
County and
State taxes
a lien for
two years
from March.

School taxes
a lien two
years from
August.

Municipal
taxes a lien
two years
from deliv-
ery of dupli-
cate.

SECTION 1. That Chapter 476, Vol. 15, Laws of Delaware, be and the same is hereby amended by inserting in the second line of Section 1, between the words "purposes" and "shall" the following, viz: "or by any school district, united or consolidated or incorporated school district, or incorporated town or city in this State," and by striking out the words "the first day of March in the year in which such taxes were so laid as aforesaid" in the fifth and sixth lines of said Section 1, and inserting in lieu thereof the following, viz: "such taxes shall have been levied and imposed;" also, amend said Section 1 further by striking out all of said Section between the word "sold" in the twentieth line thereof and the word "the" in the twenty-third line, and inserting in lieu thereof the following, viz. "And provided further that the lien for county and state taxes shall remain a lien for the period of two years from the first day of March of the year in which such tax shall have been imposed and no longer, and the lien for school taxes shall remain a lien for the period of two years from the tenth day of August of the year in which such tax shall have been imposed and no longer, and the lien for town or municipal taxes shall remain a lien for the period of two years from the date prescribed by the charter of said town or city for the delivery of the duplicate of said town or city to the collector thereof and no longer." Further amend said Section 1 by striking out the word "where" in the fourth line thereof and by inserting in lieu thereof the word "whom."

Passed at Dover, May 2, 1893.

OF THE LEVY COURT.

CHAPTER 557.

OF THE LEVY COURT.

AN ACT to amend Chapter 27, Volume 19, Laws of Delaware, and to repeal Chapter 28, Volume 19, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the title to the act entitled "An act in relation to the Levy Court of Kent County," passed at Dover, May 14, 1891, and being Chapter 27 of Volume 19 of the Laws of Delaware, be and the same is hereby amended, striking out the word "county," after the word "Kent" therein, and insert in lieu thereof the words "and Sussex counties." Act of May 14, 1891, amended.

SECTION 2. That Section 1 of said act be and the same is hereby amended by inserting between the word "Kent" and the word "county," in the third line thereof, the words "or Sussex"; and by striking out of the fourth line of said section the words "said county" and inserting in lieu thereof the words "either of said counties." Section 1 applied to Sussex County.

SECTION 3. That Section 2 of said act be and the same is hereby amended by inserting between the word "Kent" and the word "county," in the second line thereof, the words "or Sussex"; and by striking out of the fortieth line of said section the word "Kent" and inserting in lieu thereof the word "said". Section 2 applied to Sussex County.

SECTION 4. That Section 3 of said act be and the same is hereby amended by inserting between the word "Kent" and the word "county," in the first line thereof, the words "or Sussex"; and by striking out of the fourteenth line of said section the word "Kent" and inserting in lieu thereof the word "said". Section 3 applied to Sussex County.

SECTION 5. That Section 4 of said act be and the same is hereby amended by inserting between the word "Kent" and the word "county," in the first and ninth lines thereof respectively, the words "or Sussex". Section 4 applied to Sussex County.

OF THE LEVY COURT.

Section 5
applied to
Sussex
County

SECTION 6. That Section 5 of said act be and the same is hereby amended by striking out the word "county" from the second line and inserting in lieu thereof the words "and Sussex counties"; and by striking out of the third line of said section the word "county" and inserting in lieu thereof the words "counties respectively"; also insert in the twenty-first line of said section, between the word "Treasurer" and the word "shall," the words "of each of said counties".

Further amend said Section 5 by inserting between the word "Kent" and the word "county," in the twenty-eighth line thereof, the words "or Sussex".

Act repealed

SECTION 7. That the act entitled "An act in relation to the Levy Court of Sussex County," passed at Dover, May 14, 1891, and being Chapter 28 of Volume 19 of the Laws of Delaware, be and the same is hereby repealed.

Passed at Dover, January 26, 1893.

CHAPTER 558.

OF THE LEVY COURT.

A Further Supplement to an act entitled "An act authorizing the Levy Court of New Castle County to make a loan for the benefit of the Trustees of the Poor of New Castle County," passed March 30th, 1883.

Preamble.

WHEREAS the persons to whom the Trustees of the Poor of New Castle County conveyed certain real estate as directed by the act to which this is a supplement (Willard Saulsbury having been appointed a trustee in lieu and place of Victor DuPont, one of the original trustees, deceased,) though they have sold and entered into agreement to sell and dispose of all of the real estate held by them in trust under the provisions of said act and of a supplement thereto, being Chapter 11, Volume 18, Laws of Delaware, will not be able to realize and convert into cash mortgages and securities taken by them in payment therefor within the time limited by said acts, now therefore,

OF THE LEVY COURT.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the time limited by the acts above recited shall be and the same is hereby extended for the further period of two years, making twelve years altogether from the passage of the original act, to which this is a further supplement, and the trustees now acting, and in case of the death of any of them the survivor and survivors of the said trustees shall be and they are hereby authorized, directed and empowered to do and perform all such acts and things as may be necessary to complete their duties under the terms, provisions and conditions of said acts, and to realize upon and to convert into cash all securities, property and estates now held by them in trust, applying the proceeds thereof as is provided in and by said acts. Time extended.

SECTION 2. That all acts and parts of acts inconsistent herewith are hereby repealed. Inconsistent acts repealed.

SECTION 3. This act shall be deemed and taken to be a public act. Public act.

Passed at Dover, March 14, 1893.

CHAPTER 559.

OF THE LEVY COURT.

AN ACT to amend Chapter 26, Vol. 19, Laws of Delaware, in Relation to the Trustees of the Poor.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Chapter 26, Vol. 19, Laws of Delaware, entitled "An act in relation to the Levy Court of New Castle County," be and the same is hereby amended by adding at the end of Section 12 the words following: "The amount of money appropriated for the Trustees of the Poor shall be kept Chapter 26, Volume 19, Laws of Delaware, amended.

OF THE LEVY COURT.

Moneys of
Poor Trust-
tees to be
kept sepa-
rate.

Orders, how
drawn.

When to be
deposited.

by the said Receiver of Taxes in the Farmers' Bank at Wilmington, as a separate and distinct fund, to be known as the 'Trustees of the Poor Fund,' and no money shall be drawn therefrom except on orders drawn by the chairman of said Trustees of the Poor and countersigned by the County Comptroller. The said Receiver of Taxes shall deposit one-half of said appropriation by the first day of August of each year, and the balance by the first day of December, provided that if any balance shall remain unexpended in said fund at the end of any fiscal year said balance shall be deducted from the sum fixed by the Levy Court Commissioners for the maintenance of the almshouse for the following fiscal year."

Passed at Dover, March 17, 1893.

CHAPTER 560.

OF THE LEVY COURT.

AN ACT to authorize the Levy Court Commissioners to make a temporary loan.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Levy Court
of New
Castle
County au-
thorized to
borrow
\$30,000.

Limit of act.

SECTION 1. That the Levy Court of New Castle county be and they are hereby authorized to borrow money to an amount not exceeding thirty thousand (\$30,000) dollars in addition to the amount now allowed by law, provided that this act shall not continue in force longer than the next ensuing session of the General Assembly.

Passed at Dover, March 17, 1893.

OF THE LEVY COURT.

CHAPTER 561.

OF THE LEVY COURT.

AN ACT to authorize the Levy Court of Kent County to Fund a portion of its present Indebtedness.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the Levy Court of Kent County, for the purpose of funding a portion of its present indebtedness at a lower rate of interest, be and it is hereby authorized and directed immediately to have prepared forty bonds of the said county, of the par value of one thousand dollars each, with coupons or interest warrants thereto attached for each half year's interest thereon. The said bonds shall be numbered from 1 to 40 inclusive, shall be dated the first day of May, A. D. 1893, and shall bear interest from and after that date at a rate not exceeding four per centum per annum, payable semi-annually on the first day of May and November, respectively, in each and every year while they remain unpaid, at the Farmers' Bank of the State of Delaware at Dover, on presentation of the coupon representing such semi-annual payment of interest. The principal of the said bonds shall be payable on the first day of May, A. D. 1913, at the said Farmers' Bank of the State of Delaware at Dover, on presentation of the said bonds, but, if the said Levy Court see fit so to do may be made redeemable at the option of the said Levy Court at any time on or after the first day of May, A. D. 1903, by notice being given to that effect for thirty days prior to any semi-annual payment of interest at which time any of said bonds are to be paid.

Kent county
Levy Court
authorized
to issue
bonds.

Interest not
to exceed 4
per centum,
payable
semi-annu-
ally at Far-
mers' Bank
at Dover.

When bond
may be re-
deemed.

Notice.

The said Levy Court may and it is hereby empowered to buy in open market any of the said bonds prior to the said first day of May, A. D. 1913.

The said bonds shall each be signed by the President of the said Levy Court, by the Clerk of the Peace for said county, being ex-officio clerk of the said Levy Court, and by the County Treasurer of said county, and shall have the seal of the said Levy Court impressed thereon or affixed thereto.

How signed
and certified

OF THE LEVY COURT.

Coupons to
be numbered The coupons attached to each bond shall be numbered
consecutively from 1 to 40 inclusive, and shall each be
signed by the said County Treasurer.

SECTION 2. The said bonds authorized to be issued by
this act may be in the following form, to wit:

Form of
bond.

United States of America,
State of Delaware,
Kent County.

No. —

Loan of 1893.

These presents, issued in pursuance to an act of the General Assembly of the State of Delaware, passed at Dover, —
A. D. 1893, certify and make known that the County of Kent in the State of Delaware is held and firmly bound unto the bearer or registered holder of this bond in the sum of one thousand dollars lawful money of the United States of America, which the said county promises and binds itself to pay to the bearer or registered holder hereof at the Farmers' Bank of the State of Delaware at Dover, on the first day of May, in the year of our Lord nineteen hundred and thirteen, with interest at the rate of four per centum per annum, likewise payable at the said The Farmers' Bank of the State of Delaware at Dover on the first day of May and November, respectively, in each and every year whilst the said principal sum remains unpaid, on the presentation of the coupon hereto annexed representing such semi-annual installment of interest.

Dated at Dover, Delaware, the first day of May, in the year of our Lord eighteen hundred and ninety-three.

Witness the seal of the Court of General Sessions of the Peace and Jail Delivery of the State of Delaware in and for Kent County, being the seal of the Levy Court of Kent County, and the hands of the President of the said Levy Court and of the Clerk of the Peace for said county, being ex-officio clerk of the said Levy Court, and of the County Treasurer of said county, the day and year aforesaid.

——— President of the Levy Court of Kent County,
Delaware.
——— Clerk of the Peace of Kent County.
——— County Treasurer of Kent County.

And the coupons shall be in the following form, to wit:

OF THE LEVY COURT.

No. —

The County of Kent in the State of Delaware will pay to Form of coupon.
 bearer at the Farmers' Bank of the State of Delaware, at
 Dover, on the first day of — A. D. — the sum
 of — dollars for six months interest on bond No. —,
 loan of 1893, dated May 1, 1893.

— County Treasurer of Kent County.

The said Levy Court is hereby authorized to have all
 necessary blanks filled up in conformity with the intent of
 this act; and are also authorized to insert in the said bond a Notice of in-
 clause providing for notice of intent to redeem certain bonds deem.
 prior to the date they are due and payable.

SECTION 3. It shall be the duty of the said Levy Court Record, by
 to provide a record for the said county treasurer, to be kept whom kept.
 in his office, to be of the proper size and proportions, so ruled
 as to afford a separate space for each coupon, and a space at
 the top of each page or on the opposite page of said record
 for each bond when paid, redeemed or purchased as aforesaid;
 and each space at the top of said record shall bear the same
 number as the bond corresponding thereto, and shall contain
 the record of the registered holder and subsequent transferees
 of said bond, and the said record shall be preserved.

As the said coupons are paid it shall be the duty of the Payment of
 county treasurer aforesaid to mark the same in red ink across coupons.
 the face "Paid," cut each of them in two lengthwise, and How noted.
 paste the pieces in the aforesaid space for such coupons in
 the record aforesaid; and as the said bonds shall be paid, re-
 deemed or purchased as heretofore provided, the said county
 treasurer shall cause the same to be cancelled by making Bonds, how
 lines with red ink through the signatures of the several cancelled
 parties thereto, and also by writing across the face thereof in when paid.
 red ink the following words: "This bond paid (or redeemed
 or purchased as the case may be) this — day of —,
 A. D. —, by the payment of the sum of —
 dollars, in full discharge of the same.

— County Treasurer."

And all coupons unmatured and surrendered with each Unmatured
 bond redeemed shall likewise have written in red ink across coupons;
 the face thereof "Cancelled by the redemption of Bond No. how can-
 —," celled.

When paid, redeemed or purchased the said bonds and
 coupons shall be pasted in the appropriate places in the
 record aforesaid.

OF THE LEVY COURT.

Public faith
pledged.

SECTION 4. The public faith in Kent county, in this State, is hereby expressly pledged for the full and complete payment of the principal and interest of the said bonds by this act authorized to be issued, and the said bonds shall be exempt from taxation for any purpose whatever.

County treas-
urer to ad-
vertise for
proposals.

SECTION 5. As soon as the said bonds shall have been prepared as hereinbefore provided, the County Treasurer of Kent county shall advertise semi-weekly in at least two daily newspapers in each of the cities of Philadelphia and Wilmington for the space of one month prior to the first day of May, A. D. 1893, for bids or proposals for the whole or a part of the bonds authorized by this act. The said bids shall be opened on the first day of May, A. D. 1893, and the said bonds shall be awarded to the highest and best bidder or bidders therefor. The said County Treasurer shall immediately notify the said successful bidder or bidders that their bid or or bids have been accepted; and the said bonds shall be delivered to the said successful bidder or bidders upon their immediate payment of the full amount of the bid to the said County Treasurer; *provided however* that no bid for the said bonds shall be for a less amount than the par value thereof. The proceeds of the sale of said bonds shall be applied by the County Treasurer, on the orders of the said Levy Court, to the liquidation and discharge of the present interest-bearing indebtedness of the said county.

No bid less
than par
value.Proceeds,
how appliedMay be ne-
gotiated
after May 1,
1893.

SECTION 6. In case the said loan shall not have been effected by the said first day of May, A. D. 1893, as hereinbefore provided, the said Levy Court is hereby authorized to negotiate and effect the same as soon thereafter as convenient but on the same terms as hereinbefore provided.

Limit of
bonded in-
debtedness.

SECTION 7. The bonded indebtedness of said county shall be limited to the loan authorized by this act. A sum not less than one thousand dollars annually shall be set apart by the said Levy Court as a separate fund for the payment of the indebtedness of the said county and shall be applied annually thereto until the indebtedness not included in the bonds hereby authorized to be issued shall be extinguished and thereafter as a sinking fund for the payment of the said bonds, as hereinbefore provided. The said Levy Court is hereby provided to make provision by the levying of an additional tax, if necessary, or otherwise for the full payment of the indebtedness or as a sinking fund for the payment of the said bonds, as hereinbefore provided.

Annual pay-
ment.Sinking
fund.
How provi-
ded for.

Passed at Dover, March 30, 1893.

OF THE LEVY COURT.

CHAPTER 562.

OF THE LEVY COURT.

AN ACT to amend an act entitled "An act in Relation to the Levy Court of New Castle County," Chapter 26, Volume 19, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. Strike out the words "two till five and from seven till eight" in lines thirty-four and thirty-five of said Section 7 and insert in lieu thereof the words "ten a. m. till twelve m. and from two till five." Section 7 amended.

SECTION 2. Amend Section 8 of the said act by striking out all preceding the words "the said" in the seventh line thereof and inserting in lieu thereof the following: "That on all taxes paid before the first day of October there shall be an abatement of five per cent; on all taxes paid before the first day of December there shall be an abatement of three per cent; on all taxes unpaid on the first day of January next ensuing one per cent. thereof shall be added thereto; on all taxes unpaid on the first day of February two per cent. thereof shall be added thereto; on all taxes unpaid on the first day of March three per cent. thereof shall be added thereto; on all taxes unpaid on the first day of April four per cent. thereof shall be added thereto; and on all taxes unpaid on the first day of May five per cent. thereof shall be added thereto; and on the first day of January ". Section 8 amended.
Abatements.

SECTION 3. Amend Section 13 of the said act by striking out the sentence beginning with the word "any," in line seven thereof, and ending with the word "taxes" in line ten of the said section. Section 13 amended.

SECTION 4. Amend Section 20 of the said act by inserting between the word "dollars" and the word "and" in line eleven thereof the following: "with the additional annual allowance to him of one thousand dollars for the purpose of paying clerks and assistants;". Additional allowance.

SECTION 5. Strike out the word "quarterly," in line thirteen of said Section 20, and insert in lieu thereof the word "monthly". Payments monthly.

OF THE LEVY COURT.

SECTION 6. Amend Section 22 of the said act by striking out all between the word "judge," in line seven, and the words "the County Comptroller," in line fourteen thereof, and inserting in lieu thereof the following: "and the members of the said committee shall receive for their services the sum of fifty dollars each."

Compensation of committee.

SECTION 7. Strike out all after the word "act" in the tenth line of Section twenty-four of the said act.

Section 24 amended.

SECTION 8. Amend the said act by adding thereto the following additional section, to be known as Section 25 thereof:

County and City tax books to harmonize.

"The Clerk of the Peace in and for the County of New Castle is authorized and directed to systematize and harmonize the county tax books with the mode pursued in keeping the tax books in the City of Wilmington."

SECTION 9. Amend the said act by adding thereto the further additional section, to be known as Section 26 thereof: "That the Clerk of the Peace in and for the County of New Castle be and is hereby authorized and directed to make lists of the poll taxables for the said county, and the Receiver of Taxes and County Treasurer is authorized to appoint poll tax collectors when, in his judgment, he may deem it necessary to facilitate the collection of taxes."

Poll tax collectors. When appointed.

SECTION 10. Amend Section 22 of the said act by inserting between the words "affidavits" and "and," in line fourteen* thereof, the following: "and certified by the auditors as aforesaid."

How certified.

SECTION 11. Amend the said act by adding thereto the further additional section, to be known as Section 27 thereof: "That the Recorder of Deeds in and for New Castle county be and is hereby authorized and directed to make a list of transfers of property as taken from the records of the office for recording deeds, &c., in and for the county aforesaid, together with the descriptions of the properties, the name or names of the grantors and grantees appearing in such transfers and deliver the same monthly to the Receiver of Taxes and County Treasurer for the county aforesaid, for which the said Recorder of Deeds shall receive as a compensation for his services an amount to be fixed and paid by the Levy Court Commissioners of the said county."

Lists of property transfers. How to be made.

Compensation.

*So enrolled.

OF THE LEVY COURT.

SECTION 12. Amend the said act by adding thereto the further additional section, to be known as Section 29 thereof: Inconsistent laws repealed.

"That all laws or parts of laws inconsistent with this law or inconsistent with or supplied by this law as amended are hereby repealed.

SECTION 13. Amend the said act by adding thereto the further additional section, to be known as Section 28 of the said act:

"That on the twentieth day of May of each year it shall be the duty of the County Comptroller of New Castle county to advertise in two of the daily newspapers of the City of Wilmington for a period of ten days, that if by the first day of June next ensuing the taxes due on any real estate in the said county are not paid the real estate so assessed and taxed shall be levied on, advertised for sale and sold by the sheriff for the payment of the said tax, in accordance with the provisions of this law. On the first day of June in each year the collectors of delinquent taxes for New Castle county shall make and send to the County Comptroller lists of taxes due and unpaid at that date upon all real estate within their respective hundreds, and they shall upon the same date give written notice to the owners of the said property upon which taxes are due and unpaid as aforesaid, either by delivering the said notice in person, by mailing the said notice to the reputed address of the said owner or owners, or by posting the said notice on the land on which the taxes are due, that proceedings have been begun for the sale of the property for the payment of taxes. And all tax bills unpaid on the first day of June as aforesaid, as they shall appear upon the said lists received by the County Comptroller from the collectors of the delinquent taxes, shall be filed by the County Comptroller in the office of the Prothonotary of the Superior Court of New Castle county as liens upon the real property upon which the said taxes are due, and it shall be the duty of the Prothonotary aforesaid immediately to issue execution thereon, and the sheriff of the said county shall seize, advertise for sale and sell the said real estate; and the said sheriff shall make return thereof and give to the purchaser or purchasers good and sufficient deed or deeds therefor after confirmation in the manner now by law provided. The said sheriff of the said county shall deliver to the Receiver of Taxes and County Treasurer of the said county the amount of taxes due upon the property by

Real estate taxables to be given notice by advertisement.

Delinquent tax collectors to make lists.

Notice of sale. How given.

Unpaid tax bills to be filed in Prothonotary's office.

Sale. How to be made.

OF THE LEVY COURT.

him sold under the provisions of this act, and after payment of costs distribute the remainder in the manner now by law provided.

Process to
be discon-
tinued on
payment of
tax.

The collector of delinquent taxes of the hundred in which any property is seized under the provisions of this act, together with the County Comptroller, are empowered and authorized to discontinue process begun against any delinquent under the provisions of this act upon payment by the said delinquent of the full amount of the taxes, interest, costs and charges to the date of the discontinuance.

Passed at Dover, April 14, 1893.

CHAPTER 563.

OF THE LEVY COURT.

AN ACT authorizing the Levy Court of Sussex County to Fund the Indebtedness of said county.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

May borrow
\$25,000 on
credit of the
county.

Not to be
paid within
five years.

Interest
semi-annu-
ally.

SECTION 1. That the Levy Court of Sussex County be and are hereby authorized and empowered to borrow, on the credit of said county, a sum not exceeding twenty-five thousand dollars (\$25,000), and for that purpose to issue bonds of such denominations and bearing such rate of interest, not exceeding five per cent., as said Levy Court may deem expedient, and to be so arranged as to time of payment that the sum of five thousand dollars of the principal sum so borrowed shall become due and payable in each and every year until the whole is paid. *Provided*, That no part of said principal sum shall become due and payable until the expiration of five years from the date of issue of the said bonds. The interest upon said bonds shall be payable semi-annually in each and every year from the date of issue thereof, and they shall be in the following form, to wit:

OF THE LEVY COURT.

The State of Delaware,
Sussex County.

Series ———.

No. ———.

These presents certify and make known, that Sussex ^{Form of} county, in the State of Delaware, is held and firmly bound ^{bond.} unto the bearer in the sum of ——— dollars, lawful money of the United States of America, which the said county binds itself to pay to the bearer at the Farmers' Bank at Georgetown, on the ——— day of ——— A. D. ——— with interest at the rate of ——— per centum per annum, payable at the said Farmers' Bank, in Georgetown, on the ——— day of ——— and ——— in each and every year while said principal sum remains unpaid, upon presentation of the coupon hereunto annexed, representing such semi-annual installment of interest.

Dated at Georgetown, the ——— day of ——— A. D. 18——.

Witness the seal of the Levy Court of Sussex county, and the hands of the County Treasurer, President of the Levy Court, and the Clerk of the Peace of the said county, the day and year aforesaid.

(Seal.)

——— County Treasurer of Sussex county.
——— President of Levy Court of Sussex county.
——— Clerk of the Peace of Sussex county.

And the coupons shall be in the following form, to wit:

^{Form of}
^{coupons.}

Sussex County will pay to the bearer, at the Farmers' Bank at Georgetown, on the ——— day of ——— A. D. ——— the sum of ——— dollars on bond No. ———, Series ———, dated ——— 189 ———. No. ———.

——— County Treasurer of Sussex county.

The said bonds shall each be signed by the said County Treasurer, President of the Levy Court, and Clerk of the Peace, on behalf of the said county, and shall have the seal of the said Levy Court affixed thereto. The said coupons shall be signed by the said County Treasurer. The said Clerk of the Peace shall, in a book to be provided by him for that purpose, make an accurate record, showing each series of said bonds with their numbers and denominations respectively. Whenever any of said bonds shall have been paid by the said County Treasurer, or any of said coupons shall have matured and been surrendered to him, he shall

^{Clerk of the}
^{Peace to}
^{make a rec-}
^{ord of bonds}

OF THE LEVY COURT.

immediately file the same in the office of the said Clerk of the Peace, who shall note the same upon the record of the bonds and coupons so paid and matured, and shall give to the said County Treasurer a receipt therefor, stating the series, number, date and denomination of such bonds and coupons, which receipt shall constitute a good and sufficient voucher for said County Treasurer for the sums therein named.

How
moneys to
be applied.

SECTION 2. That the moneys realized upon said bonds as provided in Section 1 of this act shall be delivered to the said County Treasurer to be by him applied to the indebtedness of said county, and the failure of the said County Treasurer to discharge his duty under the provisions of this act shall be a breach of his official bond, and he and his sureties shall be responsible thereon to said county.

Sureties res-
ponsible.

Levy Court
to provide
for payment
of interest.

SECTION 3. That the said Levy Court, in fixing the rate of taxation, shall annually, until the first installment of said bonds shall become due and payable, provide for a sum equal to the amount of interest due each year upon said bonds, and as and when said bonds shall become due and payable shall in like manner provide for a sum equal to the amount of such bonds in addition to the amount necessary to pay the interest on the unpaid bonds as before provided, which shall, when collected and paid to the said County Treasurer, be set apart by him in a separate account to be opened for that purpose and designated as the "Funded Debt Account for the year—," and the said County Treasurer shall apply the said sum annually to the payment of such part of said loan and the interest thereon as may from time to time become due under the provisions of Section 1 of this act.

County
Treasurer
to keep a
separate ac-
count.

Passed at Dover, April 18, 1893.

OF THE LEVY COURT.

CHAPTER 564.

OF THE LEVY COURT.

AN ACT to authorize the Levy Court of New Castle County to borrow money and issue Certificates of Indebtedness therefor.

WHEREAS by an act of the General Assembly of the State of Delaware, passed at Dover, March 28, 1883, the Levy Court of New Castle county were authorized to fund the floating debt of said county, and for that purpose to borrow a sum of money not exceeding two hundred thousand dollars:

Preamble.

AND WHEREAS it was provided in the said act that ten thousand dollars of said loan should be paid annually:

Further preamble.

AND WHEREAS the Levy Court of New Castle county have heretofore omitted and neglected to provide for the payment of six of the said annual installments, represented by certificates of indebtedness, whereby the sum of sixty thousand dollars is now outstanding and in arrears, which said sum is bearing six per cent. interest, and it is desired to reduce the same:

Further preamble.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That the Levy Court of New Castle county is hereby authorized and directed to borrow upon the credit of the county such sum or sums of money as may be necessary for the purpose of paying and redeeming the certificates of indebtedness now outstanding as aforesaid, and for such purpose to issue other certificates of indebtedness of such denomination, in such form as the Levy Court may deem expedient, payable in sums of ten thousand dollars annually, the first of said sums to mature and become payable on September 1, 1904, and a like sum of ten thousand dollars to become due and payable upon the first day of September annually thereafter, bearing interest at a rate not exceeding five per centum per annum. The said Levy Court shall provide for the payment of said certificates and of the interest thereon by the tax levy of the said county.

Levy Court of New Castle County authorized to borrow money.

May issue certificates.

\$10,000 to be paid annually.

When to mature.

Payment, how provided for.

SECTION 2. This act shall be deemed and taken to be a public act.

Passed at Dover, April 26, 1893.

OF THE LEVY COURT.

CHAPTER 565.

OF THE LEVY COURT.

AN ACT authorizing the Levy Court of New Castle County to borrow money for completing the construction of a new bridge over the Brandywine Creek at Washington Street, in the City of Wilmington.

Preamble. WHEREAS the Levy Court of New Castle county, in the year A. D. 1892, entered into a contract for the erection of a new bridge over the Brandywine Creek at Washington Street in the City of Wilmington, and no provision had been made in the levying of the tax rate, or otherwise, for the payment of the contract price:

Further preamble. AND WHEREAS it is necessary that the present Levy Court should have immediate means to meet and comply with the said contract:

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Levy Court of New Castle County authorized to borrow money to pay for a certain bridge. SECTION 1. That for the purpose of meeting and complying with the contract entered into by the preceding Levy Court of New Castle county, in and about the construction and erection of a bridge over the Brandywine Creek at Washington Street in the City of Wilmington, the present Levy Court of New Castle county is hereby authorized and directed to borrow, upon the credit of the county, a sum of money not exceeding one hundred thousand dollars, and for such purpose may issue certificates of indebtedness of such denomination in such form as the Levy Court may deem expedient, payable in sums of ten thousand dollars annually; the first of said annual sums to become due and payable on the first day of December, A. D. 1904, and a like sum of ten thousand dollars to be due and payable on the first day of September in each and every year thereafter. The said Levy Court shall provide for the payment of said certificates and of the interest thereon by the tax levy of said county, said interest not to exceed five per centum per annum.

May issue certificates. \$10,000 to be paid annually.

Time of payment.

Payment, how provided for.

County Treasurer to keep separate account. SECTION 2. The County Treasurer shall keep a separate and distinct statement of the receipts and expenditures on account of the said bridge.

OF THE LEVY COURT.

SECTION 3. All acts and parts of acts inconsistent here- Inconsistent acts repealed.
with are hereby repealed.

SECTION 4. This act shall be a public act and published as such.

Passed at Dover, April 26, 1893.

CHAPTER 566.

OF ASSESSORS.

AN ACT to provide for an Annual Assessment for Wilmington Hundred, New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein):

SECTION 1. That in the year of our Lord 1893, and in each and every year thereafter, it shall be the duty of the several county assessors of the several districts of the City of Wilmington, Wilmington hundred, New Castle county, Assessors of Wilmington to make a general assessment annually. to make a general assessment of all persons and taxable property in their respective districts.

SECTION 2. That from and after the passage of this act the compensation or salary of the assessors of Wilmington hundred shall be eight hundred dollars per year, payable quarterly by the Levy Court Commissioners of New Castle county. Said compensation shall include the cost of making street books and all other duties of the said assessors under the laws of this State. Compensation including cost of street books.

Passed at Dover, May 2, 1893.

OF COLLECTORS.

CHAPTER 567.

OF COLLECTORS.

AN ACT in relation to the Collection of Taxes in Kent and Sussex Counties.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Acts amended.

Collector to give notice within 30 days after receiving duplicate.

What the said notice shall state.

Further notice.

The Levy Court shall allow the collectors as delinquencies the taxes uncollected upon proof of notice.

SECTION 1. That the act entitled "An act in relation to the collection of taxes in this State," passed at Dover, April 10, 1873, being Chapter 372, Volume 14, Laws of Delaware, as amended by the act entitled "An act in relation to collectors," passed at Dover, May 15, 1891, be and the same is hereby amended by striking out all of Section 1 of the said act first named as amended and inserting in lieu thereof the following, viz: "Section 1. That hereafter it shall be the duty of the collector of county taxes, in each hundred or collection district in Kent and Sussex counties, in this State, within thirty days after he shall have received his duplicate list, to give public notice, by advertisement posted in ten or more of the most public places in such hundred or collection district, stating in such notices the place of residence or of business of such collector and his readiness to receive taxes; and it shall also be the duty of each such collector, as aforesaid, in the month of January in each year, again to give public notice as aforesaid of at least ten days, which last-mentioned notice shall state the times and places at which such collector will attend for the purpose of receiving taxes then due and unpaid; and it shall be the duty of the Levy Court in each of said counties, upon proof being made to them by the affidavit of the collector, verified by oath or affirmation and filed in the office of the Clerk of the Peace for the respective county, setting forth that he has given notice as required by this section, and that, in accordance with the notice last above mentioned that he did attend at the times and places designated in such notice for the reception of taxes and did remain for the space of at least five hours in each day and for the period of at least three days in attendance for the purpose of collection of taxes as aforesaid, to allow said collector, as delinquencies, the taxes un-

OF COLLECTORS.

collected by him, and the names of such delinquents shall be dropped from the assessment list by the Levy Court and shall not be placed thereon again for a period of one year from and after the date of such allowance. *Provided* that the provisions of this section shall apply to persons assessed and liable to pay poll tax only." Names of delinquents to be dropped from assessment lists for 12 months. Proviso.

It shall be the further duty of the said collector of taxes to sit for the purpose of receiving taxes with the registrar and board of registration in his collection district in all cases where there is but one registrar or board of registration in his collection district, and in case his collection district embraces more than one election district, then and in such case said collector shall sit for the purpose of receiving taxes during the sittings of the registrars and boards of registration in his collection district at such suitable and convenient place or places in his collection district as he shall designate by public notice posted in ten or more of the most public places in his collection district at least five days before the first sitting of said registrars. Collector to sit with Registrar. Provision where collection district contains more than one election district. Notice.

SECTION 2. That Chapter 30, Page 78, Volume 19, Laws of Delaware, passed at Dover, May 13, 1891, be and the same is hereby repealed and made null and void; and that Section 9 and Section 10 of the act entitled "An act in relation to the duties of assessors and of the Levy Courts in the several counties of this State," passed at Dover, April 9, 1873, and being Chapter 371, of Volume 14, Laws of Delaware, are hereby reenacted and made valid and of full force and effect. *Provided however* that this Section shall not apply to New Castle county. Chapter 30, page 78, Vol. 19, repealed. Chapter 371, Vol. 14, Laws of Delaware revived. Proviso.

SECTION 3. That all acts and parts of acts inconsistent with this act are hereby repealed. Inconsistent laws repealed.

Passed at Dover, March 23, 1893.

OF COLLECTORS.

CHAPTER 568.

OF COLLECTORS.

A Supplement to an act entitled "An act in relation to the Collection of Taxes in Kent and Sussex Counties," passed at Dover, March 23. 1893.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Duty of
Levy Courts
of Kent and
Sussex
Counties at
March ses-
sion of 1893.

Collectors to
be allowed
as delin-
quencies the
taxes unpaid
upon proof
of notice.

Names of
delinquents
to be drop-
ped from the
assessment
lists for one
year.

Proviso.

SECTION 1. That the Levy Courts of the Counties of Kent and Sussex, in this State, at their March session in the year A. D. 1893, or at any adjourned term thereof during the month of April thence next succeeding, are hereby authorized and directed, upon proof being made to them by the affidavit of the several collectors of said counties for the year A. D. 1892, to be filed in the office of the Clerk of the Peace for the respective counties, that he had given public notice as by the then existing law required, stating therein the times and places at which such collector would attend for the purpose of receiving taxes then due and unpaid, and that in pursuance thereof he did attend at the times and places so specified for the reception of taxes, to allow as delinquencies the taxes uncollected by the said collector, and the names of the delinquents so allowed shall be dropped from the assessment list by the said Levy Courts and shall not again be placed thereon for the space of one year from and after the date of such allowance: *Provided* that this section shall apply to poll taxables only.

Passed at Dover, March 31, 1893.

OF COLLECTORS.

CHAPTER 569.

OF COLLECTORS.

A Further Supplement to an act entitled "An act in relation to the Collection of Taxes in Kent and Sussex Counties," passed at Dover, March 23, 1893.

WHEREAS it was not the desire of this General Assembly ^{Preamble.} by the passage of the act entitled "A supplement to an act entitled 'An act in relation to the collection of taxes in Kent and Sussex Counties,' passed at Dover, March 23, 1893," passed at Dover, March 31, 1893, to deprive any taxable of Kent or Sussex county of the opportunity to pay his tax for the year 1892, should he wish so to do, nor to deprive either of said counties of the revenue to be derived therefrom:

AND WHEREAS this General Assembly proposes to give ^{Further preamble.} every of such taxables an ample opportunity to pay his said taxes, therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the Clerks of the Peace of the counties ^{Clerks of the} of Kent and Sussex shall make a certified copy of each of ^{Peace of} the lists of delinquent taxables for the respective hundreds ^{Kent and} and collection districts of said counties which were or shall ^{Sussex} be allowed by the respective Levy Courts of said counties in ^{Counties} settlement with the collectors of county taxes for the year ^{to make delinquent lists} 1892 at their March session in 1893, or at an adjourned session ^{allowed for} thereof, within ten days after the passage of this act, and ^{years 1892,} after the said Levy Courts shall have allowed the said delin- ^{at March} quents. Said certified copies of delinquent taxables for the ^{session of} year 1892, together with the collectors' seals shall, within the ^{Levy Courts} ten days above specified, be delivered by the said Clerks of ^{of 1893.} the Peace to the collectors of county taxes for the year 1893, ^{Certified} giving to each of said collectors the certified list and collec- ^{lists to be de-} tor's seal of his particular hundred or collection district. To ^{livered to} the name of each taxable on said lists shall be annexed the ^{collectors} amount of tax due and unpaid by him for the year A. D. ^{for 1893.} 1892. Where by an act of the General Assembly at its present ^{Amount of} session any hundred of either of said counties has been ^{tax to be} divided into two or more collection districts, and for which ^{annexed.} no collectors' seals have been procured, the Clerk of the

OF COLLECTORS.

Clerks of the Peace to provide seals for new collection districts. When to become the seal of said districts.

Peace of the county in which subdivided hundred shall be situate shall have prepared a seal for each of said new collection districts, to be of the usual size, style and form, and the same shall be the collector's seal for the purposes of this act, and, if adopted by the Levy Court of said county, shall become the seal of said collection district thereafter.

Collectors to give notice.

What the said notice shall state.

Time and place of attending to receive taxes.

Shall sit for two days.

Collector's bond made liable.

Return of lists and moneys to be made to Levy Court

Levy Courts to settle with Collectors.

Levy Court shall allow delinquencies upon proof of notice.

Each of said collectors to whom the said lists of delinquent taxables shall be delivered shall immediately thereafter give five days public notice by advertisement posted in ten or more of the most public places in his hundred or collection district, stating in said notice the time and place at which he will attend for the reception of the delinquent taxes for the year A. D. 1892, as required by this act. The time specified in said notices shall be prior to the Saturday next preceding the third Tuesday in May, A. D. 1893, and the place shall be some convenient and suitable place in his hundred. Each of said collectors, in pursuance of said notices, shall sit for two successive days, and for eight hours each day, at the time and place designated in said notices for the purpose of receiving and shall receive such delinquent taxes as shall be tendered to him in person by any of said delinquent taxables and shall receipt for the same in the manner provided by law in the collection of other county taxes. Each of said collectors shall be liable on his official bond for the payment of the taxes collected by him under the provisions of this act.

Every of said collectors shall make return of his said delinquent list, together with the moneys collected thereon, to the Levy Court of his county at a special meeting thereof on the third Tuesday in the said month of May, A. D. 1893, which the said Levy Courts are hereby required and directed to have and hold, and the said Levy Courts shall then receive the said returns and make proper settlement with the said collectors for the said delinquent lists so returned; and it shall be the duty of the Levy Court of each of the said counties of Kent and Sussex, upon proof being made to them by the affidavit of the collector of his hundred or collection district and filed in the office of the Clerk of the Peace for the respective county, setting forth that such collector has given notice, as required by this act, and in pursuance thereto he did attend for the reception of taxes at the times and places designated in such notices, to allow said collector as delinquencies the taxes uncollected by him, and the names of every such delinquent taxable who shall have failed to pay his said taxes for the year 1892, as herein pro-

OF COLLECTORS.

vided he may, shall be dropped from the assessment list by the said Levy Court and shall not be placed thereon again for the period of one year from and after the date of such allowance.

Delinquent taxables to be dropped from the assessment lists for one year.

The affidavit to be filed under the provisions of this section may be made by any collector before the Clerk of the Peace or any Justice of the Peace of the county wherein such collector may reside.

Affidavits, how made.

The collectors' duplicates for the collection of county taxes for the year A. D. 1893 shall not be delivered to the respective collectors of county taxes for the counties of Kent and Sussex till they shall have made full settlement with the Levy Court of their respective counties for the delinquent taxes collected by them respectively, as hereinbefore provided. And the name of every such delinquent taxable who shall pay his taxes for the year 1892, as herein provided he may, shall be placed on the assessment list and also on the duplicate to be issued to the collector of county taxes for the year A. D. 1893 by the Levy Court of his county. Said additions may be made in the form of supplements to said assessment lists and duplicates; *provided however* that this act shall apply to poll taxables only.

Collector's duplicates for 1893 not to be delivered till settlement of delinquent taxes collected as herein provided for.

Delinquent taxables to be placed on assessment lists of 1893 upon payment of tax.

Proviso.

SECTION 2. Any officer who shall neglect or refuse to perform any of the duties imposed upon him by this act shall forfeit his office for the term for which [he] was appointed or elected.

Penalty for refusal or neglect of officers to perform duties.

SECTION 3. That the act entitled "A supplement to an act entitled 'An act in relation to the collection of taxes in Kent and Sussex counties,' passed at Dover, March 23, 1893," passed at Dover, March 31, 1893, be and the same is hereby repealed.

Supplement passed at Dover, March 31, 1893, repealed.

Passed at Dover, April 14, 1893.

OF COLLECTORS.

CHAPTER 570.

OF COLLECTORS.

AN ACT in relation to Tax Collectors.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Tax receipts
hereafter to
have names
written in
ink.

SECTION 1. That from and after the passage of this act all tax receipts given by tax collectors within the State of Delaware shall contain the names of the parties paying the taxes written in ink, and not written with pencil of any kind.

Passed at Dover, March 24, 1893.

CHAPTER 571.

OF COLLECTORS.

AN ACT in relation to the Collection of Taxes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Impersona-
ting an elec-
tor for the
purpose of
procuring a
tax receipt a
misdemeanor.

Penalty.

SECTION 1. That if any person shall falsely personate an elector, or other person, or attempt to falsely personate an elector or other person for the purpose of procuring a tax receipt from any collector of taxes in this State, or from the receiver of taxes in New Castle county, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not exceeding two hundred dollars, and may also, in the discretion of the court, be imprisoned not exceeding two months.

Passed at Dover, May 4, 1893.

TITLE FOURTH.

Of Elections.

CHAPTER 572.

OF ELECTIONS.

AN ACT to amend Chapter 33, Volume 17, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Chapter 33, Volume 17, Laws of Delaware, be and the same is hereby amended as follows:

Strike out Section 3 (three) of said act.

Section 3 of
the act
stricken out.

Amend Section 6 (six) of said act by striking out all after the word "same" in the sixth line thereof and inserting in lieu thereof the following: "and at least sixty days before the first day of the term of court at which said contest shall be tried or called for trial, file with the prothonotary of the Superior Court of this State in and for the county in which said contest is made a full, particular and explicit statement, setting forth fully and specifically the names of any and all officers and judges upon the mal-conduct of whom he will rely and respecting which he intends to procure evidence, and setting forth the precincts or election districts of such officers and the particular mal-conduct of each respectively, the names and residences of the witnesses and the substance of their testimony by whom he expects to prove such mal-conduct; and if such contest shall be based upon the second ground, as set forth in Section 1, such statement shall specifically, fully and explicitly state the grounds and causes of the ineligibility of the person whose right to the office is contested; and when such contest shall be made for causes comprised within the third item of said Section 1 the said statement shall explicitly, fully and clearly state the name of any elector, inspector, judge, clerk or other person to whom any bribe or reward shall have been

Amendment
to Section 6
of the act.

Statement
upon which
contest is
based to be
filed with
prothono-
tary sixty
days before
sitting of the
court.

What the
statement so
filed shall
set forth.

Causes to be
explicitly
stated in the
following
several in-
stances.

OF ELECTIONS.

offered, and the time, place and amount of such bribe or reward, and the name and residence of the witnesses by whom the contestant expects to prove the offering of any bribe or reward, with a brief statement of their testimony. And when the ground of the contest shall be on the ground of illegal votes, such statement shall specifically, fully and explicitly set forth the names, residences and respective causes of disqualification of each person alleged to have illegally voted, the polls at which such illegal vote has been received, the names of the election officers favoring the acceptance of such vote, whether such vote was challenged by the duly accredited challenger of the party of which the contestant was the candidate, and whether all the judges or inspectors present at such polls concurred in accepting and receiving such vote; and if it shall appear that all of such judges or inspectors concurred in accepting or receiving such vote, or that the right of the voters respectively to deposit such votes was not at the time challenged by the duly accredited challenger of the party of which the contestant was a candidate, the legality or illegality of such vote shall not be brought into question in any such contest; and the said statement shall further set forth the names and residences of the witnesses who will be produced on behalf of the contestant to prove such illegal votes and the substance of the testimony to be given by each; and at the trial of any contest, cause or proceeding to be instituted or continued, or which has been instituted or will be continued under the provisions of this act or of the act to which this act is an amendment, the contestant or plaintiff shall be limited in his proof and in the admission of evidence to the witnesses named in said statement, and the witnesses shall be limited in their testimony to the facts set forth in the statement filed and delivered as aforesaid with respect to which it shall be therein alleged that they will be expected to testify; said statement shall be verified by the oath of the contestant that the matters therein set forth are so far as they relate to his own act and deed and that what relates to the act and deed of any other person he believes to be true.

Names and residences of witnesses to be set forth, together with the substance of the testimony to be given by each.

Contestant to be limited to witnesses named in his statement filed.

Witnesses limited in their testimony.

Statement shall be verified by oath of contestant.

Sections 7 and 8 stricken out

Section 9 amended.

SECTION. 2. Strike out Sections 7 and 8 and amend Section 9 thereof by striking out all after the word "Docket," in the third line and before the word "of," in the tenth line thereof, and inserting in lieu thereof the following: "and immediately issue a citation for the person whose right to the office is contested to appear on the first

OF ELECTIONS.

day of the second term of the said court to make such defense as he may have in said case, which citation shall be delivered to the sheriff, or, if he be a party to the contest, to the corner." Citation for defendant, to whom issued.

SECTION 3. Amend Section 10 by striking out all after the word "applicable" in line eight thereof. Section 10 amended.

SECTION 4. Amend Section 13 by striking out all between the word "election," in line three, and the word "and," in line four, and insert in lieu thereof the following: "except that wherever the ballot boxes, ballots, poll lists, tally sheet, or other books or records, pertaining to any election, excepting the certificate of election of the officer against whom the contest may be made, duly signed by the sheriff or presiding officer of the board of canvass and the inspectors present, and filed according to law, shall have come in any way, legally or illegally, into the possession, care or custody of any person, officially or otherwise, who shall have been a candidate and voted for upon the same official ballot as a candidate of the same political party as the contestant, no such ballot boxes, poll-lists, tally sheets, or other books or records pertaining to the said election, excepting the certificate of election as aforesaid, shall be offered in evidence in any contest begun or prosecuted under the provisions hereof." When ballot boxes, ballots, poll lists, and tally sheets may be offered in evidence.

SECTION 5. Amend Section 14 by striking out all after the word "elected" in line five thereof. Section 14 amended.

SECTION 6. Amend the said act by adding thereto, as an additional section, the following: New Section

"*Provided however* that this act shall not be construed to prevent a further prosecution of any contest now pending under the provisions of the act hereby amended if advantage shall be taken of the provisions of this act and the statement required by Section 1 shall be filed and delivered as therein provided by the contestant in any case within ten days after the passage of this act." Proviso, concerning contests now pending.

Passed at Dover, February 2, 1893.

OF ELECTIONS.

CHAPTER 573.

OF ELECTIONS.

AN ACT providing for a Special Election to fill the vacancy in the House of Representatives occasioned by the death of Minos Conoway, Esq., late a member from Kent County.

Preamble.

WHEREAS a vacancy exists in the House of Representatives caused by the death of Minos Conoway, Esq., late a member from Kent County, and in obedience to the command of the Constitution in that behalf it becomes necessary that a special election should be had and held to fill said vacancy;

Further preamble.

AND WHEREAS the General Assembly will, in a short time, adjourn *sine die*, and the choice of a member for the residue of the term could not in any sort change the political complexion of the House of Representatives; and it is deemed expedient to simplify the election and relieve the County of Kent of much expense, but at the same time provide an opportunity for all persons entitled to vote an easy and convenient method to express their choice, therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Acts of May 13, 1891, and of May 15, 1891, suspended in the election of a successor to Minos Conoway, deceased.

SECTION 1. That at the special election to be held in Kent County to choose a representative in lieu of Minos Conoway, Esq., late a member from Kent County, deceased, the provisions of the act entitled "An act providing for the registration of voters," passed at Dover, May 13, A. D. 1891, and of the act entitled "An act to provide for the secrecy and purity of the ballot," passed at Dover, May 15, A. D. 1891, shall not apply, and their provisions are for said special election suspended.

Sections of the Revised Code re-enacted for this special election.

SECTION 2. That said special election shall be had and held under the provisions in relation to special election as the same are contained in Sections 40, 41, 42, 43, 44, 45 and 4 of Chapter 18 of the Revised Code, and for that purpose said sections and all laws in the same referred to are hereby reënacted and made effective, subject however to the amendments and changes hereinafter mentioned.

OF ELECTIONS.

SECTION 3. That Section 43 of said Chapter 18 be amended by adding thereto the following: "*Provided* that the late inspector of the election for the West Election District of Duck Creek hundred shall be the inspector and presiding officer of the special election mentioned in this act, and all persons having right to vote in Duck Creek hundred shall have the right to vote at the place by the said inspector designated in his notice of election; the late inspector of election for the Second Election District of East Dover hundred shall be the inspector and presiding officer of the special election aforesaid, and all persons having the right to vote in East Dover hundred shall have the right to vote at the place by the said inspector designated in his notice of election; the late inspector of election for the East Election District of North Murderkill hundred shall be the inspector and presiding officer of the special election aforesaid, and all persons having the right to vote in North Murderkill hundred shall have the right to vote at the place by the said inspector designated in his notice of election; the late inspector of election for the First Election District of South Murderkill hundred shall be the inspector and presiding officer of the special election aforesaid, and all persons having the right to vote in South Murderkill hundred shall have the right to vote at the place by the said inspector designated in his notice of election; the late inspector of election for the First Election District of Mispillion hundred shall be the inspector and presiding officer of the special election aforesaid, and all persons having the right to vote in Mispillion hundred shall have the right to vote at the place by the said inspector designated in his notice of election; and the late inspector of election for the East Election District of Milford hundred shall be the inspector and presiding officer of the special election aforesaid, and all persons having the right to vote in Milford hundred shall have the right to vote at the place by the said inspector designated in his notice of election; it being the intent and meaning of this act that the said special election shall be held at only one place in each hundred.

Section 43
amended.

Certain in-
spectors de-
signated to
hold the
special elec-
tion.

SECTION 4. That the ballots to be used at the said special election shall be written or printed on good white paper and need not be more than three inches wide and three inches long. There shall be no mark, device, or anything written or printed thereon other than the title or name of the political

Ballots, size
of.
No mark or
device to be
used, except
name of po-
litical party,
etc.

OF ELECTIONS.

party of the voter and the name of the person voted for, with the designation of the office, thus:

Form of
ballot.

Democratic Ticket.
For Representative in the
General Assembly,
(A. B.)
in lieu of Minos Conoway,
deceased.

Republican Ticket.
For Representative in the
General Assembly,
(C. D.)
in lieu of Minos Conoway,
deceased.

And the said ballots may be written or printed by the party desiring to use the same.

Certain provisions of Chapter 18, Rev. Code, specially re-enacted.

SECTION 5. That the provision of Chapter 18 of the Revised Code for the punishment of persons violating said chapter are hereby specially reënacted and made to apply to the election hereby provided for.

Time of opening and closing the election.

Proviso.

SECTION 6. That the election herein provided for shall be opened between the hours of ten and eleven o'clock of the forenoon and closed at five o'clock in the afternoon, and in all respects conducted as provided for by said Section 45 of said Chapter 18 of the Revised Code. *Provided* that if the day next after the said election shall be Sunday then the several inspectors herein authorized to hold said election shall meet at the court house at twelve o'clock noon of the Monday following as a board of canvass.

Secretary of State to have printed fifty copies of this act. How to distribute the same.

SECTION 7. That the Secretary of State be and he is thereby authorized to have printed fifty copies of this act and deliver [the same] to the Sheriff of Kent County, to be by him distributed to and among the several inspectors authorized to hold the special election herein mentioned.

Passed at Dover, April 3, 1893.

OF ELECTIONS.

CHAPTER 574.

OF ELECTIONS.

AN ACT to amend Chapter 38, Volume 19, Laws of Delaware, passed at Dover, May 13, 1891.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. Amend Section 2 by striking out the words "and will not be" in the fifth and fourth lines from the end thereof. Also amend said Section 2 by adding the following paragraph thereto :

Should the said registrar (or alternate registrar) after taking said oath and before entering upon the active duties of said office become a candidate for any office to be voted for by the electors of the hundred or election district for which he is appointed registrar or alternate registrar, the said office shall *ipso facto* become vacant and be filled by the appointment of another person to the same. After the said registrar or alternate registrar shall have entered upon the active duties of his office he shall thereby become ineligible to any office in the said hundred or election district to be voted for at the next ensuing general election.

Office of registrar or alternate registrar to become vacant when registrar becomes a candidate.

Registrar, when ineligible to office.

SECTION 2. Amend Section 7 of said act by striking out all after the word "o'clock," in the ninth line, and before the word "each," in the eleventh line of the second paragraph, and inserting in lieu thereof the following : "on the last three Saturdays in the September and the first Saturday in the October next preceding the general election."

Section 7 amended.

Time when registrars shall sit to qualify electors.

SECTION 3. Amend Section 10 by striking out the word "three" in the third line of the second paragraph and by inserting in lieu thereof the word "two."

Section 10 amended. When board of registration shall sit two days.

SECTION 4. Amend Section 21 of said act by inserting after the word "intimidation" and before the word "or" in the twenty-first line the word "bribery," and by inserting after the word "hinder" and before the word "any" in the same line the words following, to wit: "or attempt to prevent or hinder."

Section 21 amended.

Attempt to prevent or hinder.

OF ELECTIONS.

No person
to compel
registrar to
refrain from
registering
persons le-
gally quali-
fied.

Also amend said Section 21 by inserting after the word "therein" and before the word "or" in the twenty-eighth line thereof the following: "or to refrain from entering on his registers the name of any person legally entitled to be entered thereon."

Passed at Dover, May 4, 1893.

CHAPTER 575.

OF ELECTIONS

AN ACT concerning Bribery.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Bribing, or
attempt to
bribe, any
election offi-
cer or ex-
pectant elec-
tion officer
a misde-
meanor.

SECTION 1. That if any person shall bribe or attempt to bribe any one holding or expecting to hold any official position under the election or registration laws of this State, either as registrar, judge, inspector, voter's assistant, or otherwise, by giving money or the promise of money, office, or the promise of office or position, either under the State or Federal government, to perform any service for any political party in this State, or to favor any candidate for political office, [he] shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not exceeding one thousand dollars, and may also in the discretion of the court be imprisoned for a term not exceeding six months.

Penalty.

Passed at Dover, May 4, 1893.

OF ELECTIONS.

CHAPTER 576.

OF ELECTIONS.

AN ACT to amend the act entitled "An act to provide for the Secrecy and Purity of the Ballot," passed at Dover, May 15, 1891, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the act entitled "An act to provide for the secrecy and purity of the ballot," passed at Dover, May 15, 1891, be and the same is hereby amended as follows: By striking out all of Section 19 of said act, between the word "vote," in the fourteenth line, and the word "Any" in the twenty-second line of said section, and inserting in lieu thereof the following words, to wit: "in the manner following, that is to say: if he desires to vote for all the candidates of one party and none other he shall place the stamp anywhere in the square enclosing the device and above the title under which are printed the names of the candidates of such party, the vote shall then be counted for all the candidates under that title; but if the voter does not wish to vote for all the candidates of any one party, he shall as before stamp the square enclosing the device above the title under which are printed the names of the candidates a majority of whom he desires to vote for, and shall erase the names of those candidates under that title for whom he does not wish to vote; and if he desires to vote for other candidates in the place of those whose names have been erased, he shall in that case also stamp the square or squares immediately preceding the name or names of the candidate or candidates under other title or titles for whom he wishes to vote in the place and stead and for the same office and position as those whose names he has erased, the vote shall then be counted for all the candidates whose names have not been erased under that title above which the square enclosing the device is stamped and also for those candidates, if there be any such, under other title or titles the squares preceding whose names have been stamped as before prescribed.

Act of May 15, 1891, amended.

Manner of preparing ballot.

May stamp anywhere in square enclosing device

How to vote other than a whole ticket

Shall stamp the squares opposite name of person voted for.

How counted by election officers.

Passed at Dover, May 4, 1893.

TITLE FIFTH.

Of Certain Public Officers.

CHAPTER 577.

OF THE GENERAL ASSEMBLY.

AN ACT in relation to the Compensation of Officers of the two houses of the General Assembly.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Officers of
the two
Houses to
receive a
fixed com-
pensation.

SECTION 1. That beginning with the session of the General Assembly for the year A. D. 1895, the officers of the two Houses shall receive a fixed compensation for their services during the session of the Legislature, as follows:

Salaries of
Senate offi-
cers.

The Clerk of the Senate shall receive the sum of one thousand dollars. The Reading Clerk of the Senate shall receive the sum of five hundred dollars. The Sergeant-at-arms of the Senate shall receive the sum of three hundred dollars. The Chaplain of the Senate shall receive the sum of seventy-five dollars. The Page of the Senate shall receive the sum of seventy-five dollars.

Salaries of
House offi-
cers.

The Clerk of the House of Representatives shall receive the sum of twelve hundred dollars. The Reading Clerk of the House shall receive the sum of six hundred dollars. The Sergeant at-arms of the House shall receive the sum of three hundred dollars. The Chaplain of the House shall receive the sum of seventy-five dollars. The Page of the House shall receive the sum of seventy-five dollars.

Enrolling
Clerk: how
appointed;
compensa-
tion.

SECTION 2. That an Enrolling Clerk shall be appointed by joint resolution. The said Enrolling Clerk shall receive such compensation as the General Assembly shall direct, not to exceed the sum of seven hundred dollars.

Passed at Dover, May 5, 1893.

OF THE SECRETARY OF STATE.

CHAPTER 578.

OF THE SECRETARY OF STATE.

AN ACT to repeal an act entitled "An act in relation to the office of Secretary of State," Chapter 42, Volume 19, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the act entitled "An act in relation to the office of Secretary of State," Chapter 42, Volume 19, Laws of Delaware, be and the same is hereby repealed. Chapter 42,
Volume 19,
repealed.

Passed at Dover, Feb. 28, 1893.

CHAPTER 579.

OF SHERIFFS.

AN ACT to amend Chapter 32 of the Revised Code.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Section 1 of Chapter 32 of the Revised Code be and the same is hereby repealed and made null and void. Section 1,
Chapter 32,
Rev. Code,
repealed.

Passed at Dover, May 4, 1893.

OF SHERIFFS.

CHAPTER 580.

OF SHERIFFS.

AN ACT concerning process in the hands of Robert G. Dunn, deceased, late Sheriff of Kent County.

Preamble.

WHEREAS Robert G. Dunn, Sheriff of Kent County, in the State of Delaware, to whom various writs of execution were issued in his life-time, has departed this life without having completed said writs of execution, and great inconvenience is likely to result thereupon; now therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Process in hands of sheriff Robert G. Dunn, to be completed by his successor in office.

SECTION 1. That all process of every kind which had been issued to Robert G. Dunn, Sheriff of Kent County in the State of Delaware, prior to his death, and which was incomplete in his hands at the time of his death, may be completed by the person appointed or to be appointed to fill the vacancy caused by the death of the said Robert G. Dunn in the said office of sheriff; and such person shall have all the powers and be liable to all the duties which the said Robert G. Dunn, under the laws of the State of Delaware, could have had or might have been liable to in the completion of such process.

Passed at Dover, May 4, 1893.

OF SHERIFFS AND CONSTABLES.

CHAPTER 581.

OF SHERIFFS AND CONSTABLES.

AN ACT in relation to Constables.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Chapter 32 of the Revised Code be and the same is hereby amended by striking out all of Section 13 thereof and inserting in lieu thereof the following: Section 13, Chap. 32, Rev. Code, amended.

"The sheriffs and constables of the several counties shall appear before the Auditor at the time by him appointed during the fall term of the Superior Court for their respective counties to settle their accounts of fines and forfeitures. The neglect of this duty shall be a misdemeanor and shall be punished as in Section 2." Fines and forfeitures, when settled. Neglect, a misdemeanor.

That Chapter 34 of the Revised Code be and the same is hereby amended by striking out all of Section 11 thereof and inserting in lieu thereof the following:

"Every constable shall appear before the State Auditor, at the time by him appointed, during the fall term of the Superior Court in his county, to settle his account of fines and forfeitures. Every constable, on paying any sum to the County Treasurer, shall take duplicate receipts, and one shall be given the Auditor in settlement. Any constable violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined fifty dollars, and in default of payment of the said fine shall forfeit his said office." Constables to appear before State Auditor. To take duplicate receipts. Penalty for neglect of duty.

Passed at Dover, May 4, 1893.

OF CONSTABLES.

CHAPTER 582.

OF CONSTABLES.

AN ACT to amend Chap. 47 of Vol. 19 of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Sec. 4, chap.
47, vol. 19,
amended.

SECTION 1. That Section four of Chapter forty-seven, Volume nineteen of the Laws of Delaware, be and the same is hereby amended by striking out the word "quarterly" in the third line of said Section four and inserting in lieu thereof the word "monthly."

Passed at Dover, Feb. 1, 1897.

CHAPTER 583.

OF CONSTABLES.

AN ACT authorizing the appointment of Special Constables for the Delaware State Hospital at Farnhurst.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Governor to
appoint special
constables for Del-
aware State
Hospital.

SECTION 1. The Governor may, upon the application of the State Board of Trustees of the Delaware State Hospital at Farnhurst, appoint such person or persons, connected with said hospital, as the said trustees may designate, to act as special constables for the protection of the property under the control of said trustees and for the preservation of peace and good order in and around the premises of the Delaware State Hospital at Farnhurst.

To be com-
missioned
for 5 years.

SECTION 2. The Governor shall issue to every person so appointed a commission for the term of five years, unless sooner revoked; and the person so appointed shall, before acting as such constable, take and subscribe, before a justice of the peace, an oath or affirmation that he will perform his

Oath of
office

OF CONSTABLES.

duties with fidelity, and shall cause his commission, with such affidavit endorsed thereon, to be duly recorded in the recorder's office of the county wherein he resides. Every such special constable so commissioned and qualified shall possess and exercise in this State all the authority and powers now conferred on policemen in the City of Wilmington.

Oath to be recorded.

Powers of said constables.

SECTION 3. The Governor may, at any time, revoke any commission given under this act at his pleasure, and upon the written application of the State Board of Trustees of the Delaware State Hospital at Farnhurst shall revoke such commission; such revocation to be effected by an order in duplicate signed by the Governor, one whereof shall be mailed to the special constable at his last known place of residence and the other filed in the recorder's office where the commission is recorded and noted on the record of such commission.

Governor may revoke commission.

Notice and filing of revocation; how made.

SECTION 4. The compensation of every such special constable shall be wholly paid by the State Board of Trustees of the Delaware State Hospital at Farnhurst.

Compensation.

SECTION 5. This act shall be deemed and taken to be a public act and published as such.

Passed at Dover, March 27, 1893.

CHAPTER 584.

OF CONSTABLES.

AN ACT to repeal Chapter 44, Volume 19 of the Laws of Delaware, passed at Dover, May 11, 1891.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Chapter 44, Volume 19, of the Laws of Delaware, passed at Dover, May 11, 1891, be and the same is hereby repealed.

Chapter 44, Volume 19, Laws of Delaware, repealed.

Passed at Dover, May 5, 1893.

OF RECORDER OF DEEDS.

CHAPTER 585.

OF RECORDER OF DEEDS.

AN ACT to amend an act entitled "An act to authorize the Recorder of Deeds in and for New Castle County to make a certain Index."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Section 3
Chapter 25,
Volume 18,
repealed.

SECTION 1. That Section 3, Chapter 25, Volume 18, of the Laws of Delaware, be and the same is hereby repealed, and the following section inserted in lieu thereof:

Commis-
sioners ap-
pointed to
examine
new index.

To be the
official index
as aforesaid,
upon being
certified by
commis-
sioners.

Vacancies
in commis-
sion, how
filled.

Proviso.

Duty of the
Court upon
failure of
commission
to complete
work within
one year.

"That George T. Brown, William T. Lyman* and Peter L. Cooper, jr., be and they are hereby appointed commissioners whose duty it shall be to examine such new index, made as aforesaid, and if they approve of the execution and correctness of the same they shall certify the same to be a true and correct index, and that then and after such certification by said commissioners the said new index shall become and be the official direct index of mortgages in the said recorder's office for the term aforesaid in lieu of the indices now used therein: *Provided*, that the Superior Court of the State of Delaware, in term time, or the resident judge for New Castle Castle county, in vacation, may fill any vacancy caused by the death, refusal, failure, unwillingness or inability to act of said commissioners or any one or more of them. *And provided further* that the work of said commissioners shall be completed and finished within one year after the passage of this act, and upon failure to so do it shall be the duty of the said Superior Court, in term time, or the resident judge for New Castle county, in vacation, to appoint other commissioners, whose duty it shall be to examine such index and approve of the execution and correctness of the same as provided in this act."

Passed at Dover, February 24, 1893.

*So enrolled.

OF RECORDER OF DEEDS.

CHAPTER 586.

OF RECORDER OF DEEDS.

AN ACT to authorize the Recorder of Deeds in and for Sussex County to make new Indices of Deeds in his office, using the Campbell System.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That the Recorder of Deeds in and for Sussex County be and he is hereby authorized and directed to make or cause to be made new and complete direct and reverse indices of all the deeds in his office up to the present time. In making said indices he shall use the Campbell system of indexing, and he is hereby authorized to procure such books as shall be necessary and proper for that purpose, the cost of which shall be paid by the Levy Court of Sussex county.

Recorder of Deeds for Sussex county authorized to make new indices. Campbell system to be used. To be paid for by Levy Court.

SECTION 2. That Edward D. Hearn and Charles W. Cullen, esquires, be and they are hereby appointed commissioners, whose duty it shall be to examine said indices after the said recorder shall have completed the same, and if they approve of the execution and correctness of the said indices they shall certify their approval on each record thereof, and that then and after such certification the said indices shall become and be the indices to all the deeds which are of record in said recorder's office up to the present time.

Commissioners appointed to examine indices. Indices to be approved by commissioners.

SECTION 3. That the Levy Court of Sussex county shall pay to said recorder of deeds and to the said commissioners a just and reasonable compensation for their services, which compensation shall be fixed by the Levy Court of Sussex county. The compensation so fixed and paid for the services mentioned in this act shall be final and conclusive.

Levy Court of Sussex county to pay a reasonable compensation. Compensation so fixed to be conclusive.

Passed at Dover, May 4, 1893.

OF NOTARIES PUBLIC.

CHAPTER 587.

OF NOTARIES PUBLIC.

AN ACT authorizing the appointment of an additional Notary Public for Sussex county, resident in the Town of Seaford.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

The Governor authorized to appoint an additional notary public at Seaford.

Duties limited.

Whom shall be appointed

Tenure of office.

Inconsistent acts repealed

SECTION 1. That the Governor be and he is hereby authorized to appoint an additional Notary Public at Seaford, Sussex County, Delaware, whose privileges and duties shall be confined to the necessary affidavits and acknowledgments of the oyster packers of the town of Seaford, as are required by the U. S. statute, and none other whatever.

SECTION 2. That the person so appointed notary public under and by authority of this act shall be the freight agent of the P. W. & B. Railroad Company at said town, and if at any time afterwards, and during the period whilst his commission as notary public would otherwise continue, said officer or employee shall cease to hold such position with said company the commission of such person as notary public shall expire and be vacated, and the Governor shall appoint another person who shall be freight agent of said company in his stead as notary public.

SECTION 3. That this act shall repeal all laws or parts of laws so far as they may be inconsistent herewith and be deemed a public act.

Passed at Dover, February 15, 1893.

OF NOTARIES PUBLIC.

CHAPTER 588.

OF NOTARIES PUBLIC.

AN ACT authorizing the appointment of an additional Notary Public for the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the Governor be and he is hereby authorized and empowered to appoint an additional notary public in and for New Castle County, to reside in the city of Wilmington, who shall be a public stenographer, and who, when appointed, shall exercise all the powers of notaries public in this State, and shall have authority to take any and all affidavits in connection with any proceeding in law or equity in the courts of this State.

The Governor authorized to appoint an additional notary public for Wilmington.

Must be a public stenographer.

Passed at Dover, March 17, 1893.

CHAPTER 589.

OF NOTARIES PUBLIC.

AN ACT to amend Section One of Chapter Fifty of Volume Nineteen of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Section one of Chapter fifty, volume nineteen, Laws of Delaware, passed at Dover, April tenth, 1891, be and the same is hereby amended by striking out all of said Section one in said Chapter fifty after the word "shall" in the seventh line of said section and inserting in lieu thereof the following words: "be the same as any other notary public appointed for Wilmington Hundred in New Castle County."

Chapter 589, Sec. 1, Vol. 19, Laws of Delaware amended.

Official authority.

SECTION 2. That all acts or parts of acts inconsistent with this act are hereby repealed.

Inconsistent acts repealed.

Passed at Dover, March 30, 1893.

OF NOTARIES PUBLIC.

CHAPTER 590.

OF NOTARIES PUBLIC.

AN ACT to amend Section One of Chapter Twenty-eight of Volume Eighteen of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1,
Chapter 28,
Volume 18,
Laws of
Delaware,
amended.

SECTION 1. That Section one of Chapter twenty-eight, Volume eighteen, Laws of Delaware, passed at Dover, March 9, 1887, be and the same is hereby amended by striking out all of said Section one in said Chapter twenty-eight after the word "shall" in the sixth line of said section and inserting in lieu thereof the following words: "be the same as any other notary public appointed for Wilmington Hundred in New Castle County."

Official au-
thority.

Inconsistent
acts repealed

SECTION 2. That all acts or parts of acts inconsistent with this act are hereby repealed.

Passed at Dover, April 12, 1893.

CHAPTER 591.

OF NOTARIES PUBLIC.

AN ACT authorizing the appointment of a Notary Public for a certain real estate office in the Town of Smyrna.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

The Govern-
nor author-
ized to ap-
point an ad-
ditional no-
tary public
for Smyrna.

SECTION 1. That the Governor be and he is hereby authorized to appoint a notary public in the town of Smyrna, in Kent County, to have his place of business in the real estate office of Beck and Hazel in the said town; and that the duties and privileges of the notary public so appointed shall be confined exclusively to the business of said real estate office.

Privileges
and duties
limited

Passed at Dover, April 20, 1893.

OF PROTHONOTARIES.

CHAPTER 592.

OF NOTARIES PUBLIC.

AN ACT authorizing the Governor to appoint an additional Notary Public for Wilmington Hundred, New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the Governor of the State of Delaware be and he is hereby authorized to appoint one additional notary public for Wilmington Hundred, New Castle County.

The Governor authorized to appoint an additional notary public for Wilmington hundred.

Passed at Dover, May 2, 1893.

CHAPTER 593.

OF PROTHONOTARIES.

AN ACT to amend Chapter 61 of Volume 19, Laws of Delaware, passed at Dover, April 10th, 1891, entitled "An act to authorize the Prothonotary of the Superior Court of the State of Delaware in and for Sussex County to make new Indices of Judgments in his office, using the Campbell System of indexing.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Section 2 of said act be and the same is hereby amended by striking out the name "Alfred P. Robinson" in the first line of said section and inserting in lieu thereof the name "Robert C. White."

Robert C. White in lieu of Alfred P. Robinson.

Passed at Dover, March 8, 1893.

OF PROTHONOTARIES.

CHAPTER 594.

OF PROTHONOTARIES.

AN ACT to authorize the Clerk of the Court of Errors and Appeals of the State of Delaware to procure a New Press and Seal of Office.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Clerk of the Court of Errors and Appeals authorized to procure a new press and seal of office.

SECTION 1. That Stephen K. Betts, Clerk of the Court of Errors and Appeals of the State of Delaware, be and is hereby authorized to procure for his office a new press and seal, the said seal to be made of steel or brass, of the same diameter as the present seal, and engraved with the same device, and when completed the said seal shall be taken, adjudged and deemed to be the seal of the Court of Errors and Appeals of the State of Delaware.

The present seal to be broken.

SECTION 2. *And be it further enacted,* That when the said seal shall be so procured as aforesaid, the said clerk shall cause the present seal of said office to be broken and destroyed in the presence of the high Sheriff of Kent County.

State Treasurer authorized to pay for new seal.

SECTION 3. That the State Treasurer be and he is hereby authorized to pay the necessary expense of procuring the same.

Passed at Dover, April 4, 1893.

OF PROTHONOTARIES.

CHAPTER 595.

OF PROTHONOTARIES.

AN ACT authorizing the Prothonotary of New Castle County to make a certain Judgment Index.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That the Prothonotary of the Superior Court of the State of Delaware in and for the County of New Castle is hereby authorized and directed to make, or cause to be made, an index (pursuant to the Campbell system of indexing) of all unsatisfied judgments entered or assigned in the Superior Court, from the first day of November A. D. eighteen hundred and eighty-three and extending up to and including the first day of November A. D. eighteen hundred and eighty-eight.

Prothonotary of New Castle County authorized to make an index of certain unsatisfied judgments.

SECTION 2. *And be it further enacted,* That if the Prothonotary of the Superior Court shall index said judgment index as aforesaid, then that Victor B. Woolley and Branch H. Giles, esquires, be and they are hereby appointed commissioners, whose duty it shall be to examine said new judgment index and compare it with the original indices and records after the said prothonotary shall have completed it, and if they approve of the execution thereof they shall certify on the record the same to be a true and correct index; and that then and after such certificate the said index shall become and be the judgment index of the Superior Court of the State of Delaware in and for said county for the period aforesaid; and the said commissioners shall be allowed a reasonable compensation by the Levy Court Commissioners of said county for their said services.

Who to be commissioners.

Duties of commissioners.

Approval of index to be certified by commissioners.

Compensation of commissioners.

SECTION 3. *And be it further enacted,* That the said prothonotary shall receive for his services in making said index, authorized by this act, a just and reasonable compensation, to be allowed by the Levy Court Commissioners of New Castle County.

Compensation of prothonotary.

SECTION 4. That the Superior Court of the State of Delaware in and for New Castle County in term time, or the resident Judge for New Castle County, in vacation, may

OF THE COMMISSIONER OF FISH AND FISHERIES.

Vacancies
in commis-
sion, how
filled.

Court to ap-
point com-
missioners
if examina-
tion not
completed
in one year.

fill any vacancy caused by the death, refusal, failure, unwillingness or inability to act of said commissioners or any one or more of them. Should however the commissioners aforesaid fail to complete the examination of the records aforesaid, and certify thereto, within one year from their completion by the prothonotary, the Superior Court aforesaid, in term time, or the resident Judge of New Castle County, in vacation, shall appoint commissioners to complete the examination by this act required.

Passed at Dover, May 4, 1893.

CHAPTER 596.

OF THE COMMISSIONER OF FISH AND FISHERIES.

AN ACT to amend an act entitled "An act to authorize the Governor to appoint a Commissioner of Fish and Fisheries and to provide for his compensation." Volume 16, Chapter 349, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 3 of
the act
stricken out.

SECTION 1. That Section 3 of the said act entitled "An act to authorize the Governor to appoint a Commissioner of Fish and Fisheries and to provide for his compensation," be stricken out and the following be inserted in lieu thereof:

Compensa-
tion of com-
missioner,
how paid.

"That the said commissioner shall receive as compensation for his services the sum of five hundred dollars per annum, payable quarterly, out of which sum he shall pay all necessary expenses incurred in the discharge of his official duties."

Rate of
compensa-
tion of the
present Fish
Commis-
sioner.

SECTION 2. That the present Commissioner of Fish and Fisheries shall be paid as compensation for his services from the date of his appointment to the time of the passage of this act an amount at the rate of three hundred dollars per annum, and from and after the passage of this act he shall be paid in accordance with the provisions of the foregoing section.

OF THE INSURANCE COMMISSION.

The said Commissioner of Fish and Fisheries shall have power and is hereby given authority to make arrests of persons violating the laws of this State in relation to fish and fisheries, and should he deem it necessary he may call in the aid of any person or persons, boat or boats, vessel or vessels, with their crew as a *posse comitatus* in the enforcement of the laws of this state aforesaid.

Duties of commissioner. Given power to call posse comitatus to his assistance.

SECTION 3. The said commissioner shall present to the next Legislature a full statement or report in detail of the operation of his office and what may have been accomplished during his incumbency.

Report of commissioner to be made to next legislature.

Passed at Dover, May 3, 1893.

CHAPTER 597.

OF THE INSURANCE COMMISSIONER.

AN ACT to amend an act entitled "An act to repeal and supply Chapter 117, Volume 13, Laws of Delaware, as amended by Chapter 423, Volume 17, Laws of Delaware," as published in Chapter 21, Volume 19, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. Amend the said act by striking out all of Section 12 thereof and inserting in lieu thereof the following:

Section 12 of the act stricken out.

"The Insurance Commissioner of Delaware shall semi-annually, on the first Tuesday of April and October, or within five days thereafter, plainly state under his hand a full and true account of all money by him received or for which he is accountable for the fees or taxes to the State under the provisions of this act; and the accounts and full transactions of the office of the said insurance commissioner shall at the time stated be examined and audited by the State Auditor. And after the auditing and examination of his accounts as aforesaid the said insurance commissioner shall deposit to the credit of the State Treasurer, in the Farmers' Bank of

Insurance commissioner to report to State Auditor in April and October of each year.

Deposits of State moneys, where made.

OF THE INSURANCE COMMISSIONER.

Certificate of deposit to be sent to State Treasurer. the county in which he (the said insurance commissioner) resides, the full amount due on such account and send such account to the State Treasurer, with a certificate of deposit."

Act further amended.

SECTION 2. Further amend the said act by adding thereto the following additional section:

Secretary of State to charge and deliver to Insurance Commissioner certain licenses and certificates.

Licenses and certificates to be in book form.

State Auditor to compare stubs of licenses and certificates

That the Secretary of State shall charge and deliver to the said insurance commissioner a certain number of licenses and certificates of authority to insurance companies to do business in this State which in his judgment he may deem necessary, and which may be increased from time to time upon the request of the said insurance commissioner, which licenses and certificates of authority shall be bound in book form, with stubs, and numbered consecutively. And it shall be the duty of the State Auditor in auditing the accounts of the said insurance commissioner, as provided in Section 12 of this act when amended, to compare the stubs aforesaid with the report of the said insurance commissioner, and make him the said insurance commissioner account for all licenses and certificates of authority aforesaid issued and charged to him but not used by him.

Passed at Dover, March 17, 1893.

CHAPTER 598.

OF THE INSURANCE COMMISSIONER.

AN ACT to amend an act entitled "An act in relation to Insurance Companies." Chapter 347, Volume 16, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Insurance commissioner's bond increased

SECTION 1. Amend the said act by striking out in line fourteen of Section one thereof the words "two thousand dollars (\$2,000)" and inserting in lieu thereof the words "ten thousand dollars (\$10,000)."

OF THE INSURANCE COMMISSIONER.

SECTION 2. Amend the said act by striking out all of Section 10 thereof and inserting in lieu thereof the following: "There shall be paid to the insurance commissioner by every company to which this act applies, the following fees: For filing the declaration or certified copy of charter, ten dollars; for filing annual statement or printed report of the insurance commissioner of any of the states aforesaid, ten dollars; for each certificate of authority and certified copy thereof, two dollars; for every copy of any paper filed in his office the sum of twenty cents per folio of one hundred words, and for affixing the official seal to such copy and certifying the same the sum of one dollar; for official examination of companies under this act, the actual expenses incurred; from which fees the said insurance commissioner shall reserve to himself a sum not exceeding fifteen hundred dollars per annum, which sum shall be a full compensation for all the duties imposed upon him by the various laws heretofore and hereafter to be enacted, unless otherwise provided, including the superintending of the publication of his reports, and the fees collected as aforesaid over and above the said sum of fifteen hundred dollars shall be turned over to the State Treasurer, at times and in the manner provided for the transfer of other moneys collected by the said insurance commissioner and belonging to the State. The commissioner shall receive no compensation from the State except the necessary expenses of his office, such as postage, printing, stationery, &c., which may be allowed by the General Assembly.

Fees to be
paid to the
insurance
commis-
sioner.

Compensa-
tion of com-
missioner.

What mon-
eys to be
turned over
to State
Treasurer.

Contingent
expenses of
commission-
er, how paid

Passed at Dover, March 17, 1893.

TITLE SIXTH.

Of Religion, Public Education and Health.

CHAPTER 599.

OF RELIGIOUS SOCIETIES.

AN ACT in relation to Roman Catholic Religious Corporations.

Preamble WHEREAS the Roman Catholic Diocese of Wilmington extends over the territory comprised in the State of Delaware and that portion of the State of Maryland commonly known as the Eastern Shore;

Further preamble. AND WHEREAS the Legislature of the State of Maryland by an act to amend Article 23 of the Code of Public General Laws, passed April 7, A. D. 1892, being Chapter 614 of the Laws of the State of Maryland for the said year, provided for the organization of Roman Catholic Religious Corporations;

Further preamble. AND WHEREAS it is just and expedient that uniformity of organization should exist for religious corporations of one denomination of Christians throughout;

Further preamble. AND WHEREAS the following provisions are substantially the same as enacted by the Legislature of the State of Maryland; therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring herein) as follows, to wit:

SECTION 1. In every congregation of the denomination of Christians known as the "Roman Catholic Church," the Ordinary of the Diocese and the Pastor of the said congregation for the time being, according to the practice and discipline of the said church, and one other person to be annually designated by said Ordinary, and two other persons

OF RELIGIOUS SOCIETIES.

to be annually elected by the male pewholders of the said congregation from among their number (said annual election and appointment to be made on the Sunday next succeeding the first day of January in each and every year, and the incumbents to hold office until their respective successors shall be so as aforesaid elected or appointed, as the case may be,) shall be constituted a body politic and corporate, under such title as may be assumed by the said corporation, and recorded in a certificate under the hands and seals of the corporators first chosen or otherwise entitled to office under the terms of this act, the said certificate to be acknowledged before any person entitled to take acknowledgments of instruments to be used in the State of Delaware and recorded among the corporation records of the county wherein the said congregation shall have or possess a place of worship.

What officers of Roman Catholic churches constitute a church corporation.

Certificate of corporation to be made and recorded.

Certificate, how acknowledged.

Where to be recorded.

SECTION 2. Every such corporation shall have, in addition to the powers now possessed by religious corporations by virtue of the laws of the State of Delaware, the further power to appoint the hour and place of the meeting at which the two of its members so as aforesaid to be annually elected shall be chosen, and the manner in which such election shall be held, and shall provide a good and sufficient record book wherein shall be registered from time to time all of its proceedings, and which shall at all times be open to inspection by any member of the said congregation or any ecclesiastical officer of the said denomination of Christians having, according to the discipline and practice thereof, authority over the said congregation or the right to be informed concerning its management and interests of the said corporation. The pastor of the congregation for the time being (if any there be) shall always be president. It shall have power to frame such rules and ordinances for the orderly conduct of divine worship and the advancement of the interests of the congregation as a majority of the corporation may from time to time deem necessary; *provided* that the same shall not conflict with the constitution or laws of the United States or of this State, or with the discipline and practice of the denomination aforesaid.

Powers of such corporations.

Further power.

Shall keep a record book.

Records to be open to members and officers.

May frame rules and ordinances.

Proviso.

SECTION 3. If at any time one of the corporators so as aforesaid to be annually elected shall die, resign or become disqualified by ceasing to be a pewholder of the said church, it shall be competent for the remaining members of the said corporation to appoint a successor to the one so dying,

Vacancies in corporation, how filled.

OF RELIGIOUS SOCIETIES.

resigning, or becoming disqualified, which successor shall hold office until some one to fill his place shall be chosen at the next annual meeting of the said congregation; and if at any time the member so as aforesaid to be annually appointed by the Ordinary of the Diocese shall die or resign, it shall be competent for the said Ordinary to fill the said vacancy in the corporation aforesaid by appointing another person to serve for the remainder of the term of the one so dying or resigning, and until a successor thereto shall be duly chosen according to the terms of this article; and if at any time the corporators for the time being shall think it wise to change

May change name, on filing certificate, as provided in Section 1.

the name of the said corporation, they may do the same by a certificate under their hands and seals to be acknowledged and recorded as provided for in the case of the original certificate mentioned in Section one of this act.

Corporations herein provided for may receive lands, chattels, or trusts.

SECTION 4. Any person or persons, individual or corporation, holding lands or goods and chattels, or any interest therein in trust for any particular church or congregation, church society, congregation of the said denomination wherein a corporation shall be formed in accordance with the terms of this section, shall convey the same to the said corporation as soon as possible after its formation under the terms of this act, and any gift, devise, or bequest heretofore or hereafter made to any such congregation, or to any person or persons, individual or corporation in trust therefor, shall inure to the benefit of the corporation to be formed in such congregation (if any such corporation shall be so formed according to the terms of this act), whether the said corporation shall be or be not accurately described in such gift, devise or bequest; *provided* that the intention of the donor or testator be clear that the same should inure to the benefit of the said congregation.

Gifts heretofore made to inure to corporations herein provided for.

Proviso

Power of revocation.

SECTION 5. The Legislature reserves the right to alter or revoke this grant of corporate franchise.

Passed at Dover, April 18, 1893.

OF FREE SCHOOLS.

CHAPTER 600.

OF FREE SCHOOLS.

AN ACT to amend an act entitled "An act to provide for Free Text Books for the Free Schools of the State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That the State Treasurer be and he is hereby authorized and directed to make orders upon Landreth L. Layton, of Georgetown, Sussex county, Delaware, for text books that he may have on hand and that he has collected from other dealers, and shall pay therefor publisher's prices and no more; *provided* that the text books that Landreth L. Layton, or the dealers for whom the said Landreth L. Layton may act, are of the kind and quality that are used in the public schools of this State; *and provided further* that should the State Treasurer make arrangements with the publishers to take back the books of the said Landreth L. Layton and the other said dealers upon the payment of the express and other charges by the said Landreth L. Layton and the said dealers, the State Treasurer shall not make the order aforesaid.

State Treasurer authorized to order certain school books from Landreth L. Layton.

Prices to be paid and for what kind of books.

Proviso.

Passed at Dover, May 3, 1893.

CHAPTER 601.

OF FREE SCHOOLS.

AN ACT to repeal Chapter 47, Volume 17, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Chapter 47, Volume 17, Laws of Delaware be and the same is hereby repealed, made null and void.

Passed at Dover, May 3, 1893.

OF FREE SCHOOLS.

CHAPTER 602.

OF FREE SCHOOLS.

AN ACT in relation to Public Schools.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

School funds
how distrib-
uted; except
for colored
schools.

Each dis-
trict in New
Castle coun-
ty to receive
\$150.

Remainder
to be dis-
tributed pro
rata.

Dividend
for City of
Wilmington
not to ex-
ceed a rate
for ten thou-
sand pupils.

When State
Auditor
shall settle
accounts of
the schools.

How the
State Treas-
urer shall
distribute
school funds

SECTION 1. That from and after the passage of this act all school funds annually appropriated by the State for the use and support of the free schools of New Castle county (excepting the amount annually appropriated for the use and support of colored schools of said county), shall be distributed and apportioned as follows: To each and every single district and to each district contained in every united, consolidated and incorporated district in New Castle county shall be paid the the sum of one hundred and fifty dollars; the aggregate sum thus appropriated to and distributed among the several districts shall then be deducted from the whole State fund due and appropriated to New Castle county, and the remainder shall be divided among the school districts in proportion to the number of children enrolled in the schools thereof. *Provided however*, if in the apportionment aforesaid it appears that at any time there are enrolled in the schools of the City of Wilmington more than ten thousand pupils the said city shall receive its apportionment for ten thousand pupils and for no more.

SECTION 2. That between the first day of July and the first day of September next, and annually thereafter, it shall be the duty of the State Auditor to examine and settle the accounts of every single, united, consolidated and incorporated school district in the State of Delaware.

SECTION 3. That in the month of September next, and annually thereafter, it shall be the duty of the Trustee of the School Fund, in making the apportionment for the schools of the counties of Kent and Sussex in the manner now by law provided, and for the county of New Castle in the manner by this act provided, to ascertain from the settlements of the

OF FREE SCHOOLS.

State Auditor with the several districts of this State, made in the months of July and August preceding, as provided by Section 2 of this act, the amount or amounts of money each district may have in hand that has been received from the State, and raised by taxation as required by law, and is unexpended at the end of the school year next preceding. He shall then deduct and retain from the sums or apportionments to which such districts are respectively entitled in the distribution of the school fund of this State amounts equal to that which from the State Auditor's settlements aforesaid appear to be respectively unexpended and in the hands of the commissioners or clerks of the districts aforesaid, and place the balance of the apportionments or amounts to which the districts are respectively entitled as aforesaid to the credit of the said districts in the manner now by law required. *Provided however*, that should any district raise by taxation more money than that district is by law required to raise in order to be entitled to receive its apportionment of the school fund aforesaid, such amount that is in excess of the amount required by law to be raised by taxation as aforesaid shall not be charged against or be deducted from the apportionment for such district, but the amount so in excess as aforesaid shall be retained by the district raising the same, to be therein applied. The amounts retained by the Trustee of the School Fund, and deducted as aforesaid from the apportionments of the districts having in hand money unexpended at the end of the year, in excess of the amounts required to be raised by taxation aforesaid, shall be by the Trustee of the School Fund placed to the credit of the counties in which the districts having moneys unexpended as aforesaid are respectively situate, and be reapportioned among the districts of the counties respectively entitled thereto.

SECTION 4. The Trustee of the School Fund, after the apportionment has been made, as provided by Section 3 of this act, shall place the amount due the respective districts to the credit of the said respective districts in the Farmers' Bank of each of the counties in which the districts are severally situated, as now by law provided. He shall then furnish the commissioners or board of education of each single, united and incorporated district with blank drafts, numbered consecutively, in the following form:

Shall ascertain from settlements of State Auditor the amount of money districts have in hand, (a) received from State; (b) raised by taxation; (c) unexpended

Shall deduct amounts unexpended.

Shall place balance to credit of districts.

Proviso.

Amount raised in excess of requirement not to be deducted from apportionment

Amounts in excess, and retained by Trustee, how reapportioned.

Trustee shall place apportionment in Farmer's Bank.

Shall furnish bank draft.

OF FREE SCHOOLS.

Form of
draft.

No. —.

School District No. —, — County, Delaware.

The Farmers' Bank of the State of Delaware pay to —
—, or order, — dollars, being salary due the payee, as
teacher, for the — ending the — day of —, A.
D. 189—.

Charge the same to the account of School District No. —,
— County.

\$ —.

Commissioners of District No. —, — County.

Clerk of District No. —, — County.

Moneys de-
posited, how
drawn.

The money deposited in the Farmers' Bank of the State
of Delaware to the credit of the respective districts aforesaid
shall be drawn out only upon the presentation of drafts as
aforesaid, made payable to the teacher of the school of the
district, signed by all the commissioners or board of educa-
tion, as the case may be, attested by the clerk of the district
and endorsed by the teacher to whose order it is made paya-
ble. Such drafts made by the commissioners aforesaid shall
be for the salary due the teacher and for no other purpose.
No teacher employed in any free school in any single district
that is not incorporated in this State shall be paid from the
school funds of this State apportioned to the districts thereof
a salary exceeding thirty-five dollars per month. Should the
commissioners of any such district as aforesaid employ a
teacher or teachers at a larger salary or salaries than thirty-
five dollars per month, all over the said amount of thirty-five
dollars, as well as all the current expenses of the district,
shall be paid from the money raised by taxation therein.
The drafts for the payments of teachers' salaries shall be the
vouchers of the commissioners of the several districts of this
State in their annual settlement with the State Auditor. It
shall be unlawful for the State Auditor, in his settlements
with the commissioners of the districts aforesaid, to allow
any expenditure of the State money for any other purpose
than that of paying the salaries of the teachers as aforesaid.

Drafts to be
for salaries
only.Teachers
not to re-
ceive more
than \$35 per
month from
school divi-
dendIncreased
salaries paid
by taxation.Drafts shall
be vouchersUnlawful for
State Audi-
tor to make
certain
allowancesSuperin-
tendent shall
examine
teachers

SECTION 5. The superintendent for schools in each county
shall examine all persons who shall apply for that purpose
and who propose to teach in the county in which they make
application. Such examination shall be open to the public
and shall be by oral or printed or written questions, or both,

OF FREE SCHOOLS.

at the discretion of the superintendent conducting the examination. The examination may be at such times and places as the superintendent may appoint, having due regard to the necessities of the schools and the convenience of the teachers. Every applicant who is of good moral character, and who shall answer ninety per centum of the questions asked in orthography, reading, writing, mental arithmetic, written arithmetic, geography, physiology, history of the United States, pedagogy, and English grammar, and seventy-five per centum of the questions asked in algebra, geometry, civics, natural philosophy, and elements of rhetoric, shall receive from the superintendent a professional certificate, which shall be good for four years unless sooner revoked by the superintendent for cause, which revocation to be effectual shall be confirmed by the State Board of Education. Every applicant who is of good moral character, and who shall in examination answer ninety per centum of the questions asked in orthography, reading, writing, mental arithmetic, written arithmetic, geography, physiology, history of the United States, pedagogy and English grammar, shall receive from the superintendent a first grade certificate, which shall be good for two years unless revoked as aforesaid. If any applicant shall fail to answer ninety per centum of the questions asked in the branches mentioned for first grade certificates, but shall answer at least seventy-five per centum thereof, he shall receive from the superintendent a second grade certificate which shall be good for one year unless revoked as aforesaid. And if any applicant shall fail to answer ninety per centum of the questions asked in the branches mentioned for first grade certificates, but shall answer at least sixty per centum thereof, he shall receive from the superintendent a provisional certificate, which shall be good for one year unless revoked as aforesaid. *Provided however* that not more than one such provisional certificate shall ever be issued to any one applicant.

Mode of examination.
Time and place.

Requirements for professional certificates.

Requirements for first grade certificates.

Requirements for second grade certificates.

Requirements for provisional certificate.

SECTION 6. The superintendent may, at his discretion, countersign certificates issued to teachers in another county of the State, and certificates so countersigned shall be good in the county of the superintendent countersigning them for the term for which they were originally issued.

Superintendents may countersign certificates issued in other counties.

SECTION 7. It shall be the duty of every teacher employed in the free schools of this State, outside of the City of Wilmington, to make out and forward to the superintendent of the county in which they teach, at the end of the

Teachers shall make reports to Superintendents at end of each session.

OF FREE SCHOOLS.

Contents of reports. school session of every year, a report showing the number of pupils attending their respective schools during the year, designating the number of male and female pupils, the average daily attendance of the pupils for the year, and the highest and lowest enrollment for any one month of the year, and such other information as shall be called for, on blank forms or reports, to be prepared and distributed by the superintendents of the schools in their respective counties. This annual report shall take the place and be in lieu of the quarterly report now required by law.

Report to be in lieu of quarterly report.

Teachers shall make annual report to Trustee of school fund.

SECTION 8. That it shall be the duty of the teachers, or, where the schools are graded, the principal teachers of all single, united, consolidated and incorporated schools in this State, in the month of May, A. D. 1893, and in the month of May annually thereafter, to report to the Trustee of the School Fund, in writing, the name of every pupil between the ages of six and twenty-one years enrolled in the schools of such districts during the year in which such report is made; which reports shall be verified as true and correct by the affidavit of the teachers making the same, before any justice of the peace in the State. The fee for taking such affidavits shall be paid by the commissioners of the schools out of any moneys in their hands. Such reports, with the affidavits, may be transmitted to the Trustee of the School Fund by mail. Should any teacher fail to comply with or be guilty of any violation of the provisions of this section, the Trustee of the School Fund shall direct the superintendent of schools in the county in which such teacher taught to cancel the certificate of such teacher.

How verified.

Fees, how paid.

Failure of teacher to report, to revoke certificate.

Teachers' salaries to be paid quarterly.

SECTION 9. From and after the first day of September, A. D. 1893, the salaries of the teachers in the free schools of this State, outside of the City of Wilmington, shall be paid at least quarterly.

Names of commissioners to be transmitted to certain officers.

SECTION 10. That immediately upon the election of commissioners in single or united districts, or members of the board of education in incorporated districts, as hereinbefore provided, the secretary or clerk of the commissioners, or board of education, as the case may be, shall transmit to the clerks of the peace of the respective counties the names and addresses of the commissioners or members of the board of education elected for the ensuing year, which names and addresses shall be furnished the superintendents of public

OF FREE SCHOOLS.

schools of the several counties, the State Auditor, and the Trustee of the School Fund, by the clerk of the peace aforesaid.

SECTION 11. That the commissioners of every single, united or incorporated school district, immediately upon the election of a teacher or teachers for said district, shall notify the superintendent of the county in which such district is situate of such election, stating the names, addresses and salaries agreed to be paid. Commissioners shall notify superintendents of teacher's appointment

SECTION 12. By the vote of the citizens of any district entitled to vote therein, a sum, in addition to that required to be raised by law, may be raised by taxation for special improvements, additional teachers, or additional salaries therefor, but in no case shall a single, unincorporated district use any of the fund received from the State for building or repairing school buildings or premises. Additional expenses, how to be met.

SECTION 13. The commissioners of every school district in the State shall insure their respective buildings against loss by fire. Insurance of school property.

SECTION 14. All incorporated colored schools are by this act abolished, and from and after the passing of this act the said schools theretofore incorporated shall be subject to the same laws and under the supervision of the superintendent of schools for the county in which they are situate, in the same manner as now by law provided for unincorporated colored schools. Incorporated colored schools abolished; future government of.

SECTION 15. That from and after the passage of this act the salaries of the superintendents of schools for the several counties, and the money appropriated from the funds of the State for the support and maintenance of the colored schools shall be paid out of the school fund of this State. The money appropriated by law for the support of colored schools shall be paid direct to the superintendents of schools to be by them expended for the support of colored schools in the manner now by law provided, free from and without the intervention or coöperation of the county treasurers of the several counties. Salaries of Superintendents to be paid from school fund. Funds for support of colored schools to be paid to superintendents. No intervention of county treasurers.

SECTION 16. That all public school grounds and public school buildings maintained at public expense within this State shall be exempt from county, town, municipal, water, street, and sewer, and all other taxes. School property exempted from taxes.

OF FREE SCHOOLS.

Duty of Secretary of State to publish school law.

Cost of publication.

Inconsistent acts repealed.

SECTION 17. That in the month of May next following the passage of this act, it shall be the duty of the Secretary of State to have this law inserted twice in two of the newspapers of each county; in compensation for such publication each paper publishing the same shall be paid by the State Treasurer \$5.00 for each insertion.

SECTION 18. All acts inconsistent herewith are hereby repealed.

Passed at Dover, April 27, 1893.

CHAPTER 603.

OF FREE SCHOOLS.

AN ACT to amend an act entitled "An act to establish the Kenton Public Schools," Chapter 459, Volume 17, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 8, Chap. 459, Volume 17, amended.

SECTION 1. Amend Section 8 of Chapter 459, Volume 17, Laws of Delaware, by striking out all before the word "all" in line four thereof and inserting in lieu thereof the following:

Kenton schools may raise \$125 to \$500 by taxation.

That commencing with the school year A. D. 1893, and annually thereafter, the commissioners of the said Kenton Public School may raise by taxation, for general school purposes within the said district, any sum not less than one hundred and twenty-five dollars and not exceeding five hundred dollars, subject to the vote of persons entitled to vote at school elections therein.

Passed at Dover, February 24, 1893.

OF FREE SCHOOLS.

CHAPTER 604.

OF FREE SCHOOLS.

AN ACT to enable the Delaware City, Delaware, Public School to change the time of holding their annual election.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That on and after the passage of this act the annual election of the incorporated public school of Delaware City shall be held on the first Saturday in April in each and every year, instead of the last Saturday in June as now provided by law. Vacancies existing shall be filled in the same manner as they now are at the annual meeting.

School election in Delaware City to be held 1st Saturday in April.

Vacancies how filled.

SECTION 2. The time for assessing and levying taxes, for any purpose, for the incorporated public school of Delaware City, shall hereafter be in the month of April in each and every year, and conform to the act incorporating the public school of Delaware City, passed March 4th, 1875, Chapter 52, Volume 15, Laws of Delaware.

Assessment shall be made in April annually.

Passed at Dover, March 23, 1893.

CHAPTER 605.

OF FREE SCHOOLS.

AN ACT to incorporate School District No. 119, in Kent County, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

SECTION 1. That School District No. 119, in Kent county, as the same is now bounded or as it may hereafter be bounded, shall be governed and its affairs managed and conducted by a board of five commissioners.

School District 119, Kent County, how to be governed.

OF FREE SCHOOLS.

SECTION 2. That William D. Hudson, Abel Sevil, William W. Whitlock, Edward W. Lapham and Henry Seiders shall and they are hereby declared to be the first commissioners, and shall continue to serve as such commissioners for the terms following, to wit: the said William D. Hudson until the next annual school election in the year 1893, and the said Abel Sevil and William W. Whitlock until the annual school election in the year 1894, and the said Edward W. Lapham and Henry Seiders until the annual school election in the year 1895, and until their successors shall have been duly elected and qualified as hereinafter provided, with power to fill any vacancy or vacancies that may occur in their number by death, resignation, removal from the district, refusal to serve, or otherwise, and the person or persons so chosen to fill such vacancy or vacancies shall serve until the term of the person in whose place he is chosen would in accordance with this section expire.

SECTION 3. That the members of the board of commissioners hereinbefore named, and their successors in office, shall be and they are hereby declared to be a corporation by the name, style and title of "The Clayton Public Schools," and by that name they and their successors in office shall have perpetual succession, with all the powers, rights, privileges and franchises of a corporation necessary and proper for the establishment and maintenance of good schools for the education of all the children within the district aforesaid that are by the laws of this State entitled to be educated in the public schools; and shall have full control of all the property, real and personal, which now belongs to or may hereafter be acquired by the said district, and the title thereto shall vest in the corporation hereby created for school purposes; and the said corporation, by the name, style and title aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity, and may have and use a common seal.

SECTION 4. That on the day provided by law for the holding of annual school elections, an election shall be held in 1893, in the said district, in the mode and in accordance with the requirements of law regulating the election of school commissioners, for the election of one commissioner to serve for three years, and also in case of vacancy or vacancies, one or more commissioners to serve for the unexpired term of the commissioner or commissioners whose

OF FREE SCHOOLS.

office shall have become vacant; and annually thereafter an election shall be held for the election of a commissioner or commissioners in lieu of those whose term shall then expire, for a term of three years, and for the election of another or others in lieu of any whose office may have become vacant for the unexpired term of those whose office shall have thus become vacant.

Annual election of commissioners.

SECTION 5. That the board of commissioners named in the second section of this act shall meet on the first Saturday in April in the year 1893, at 2 o'clock P. M., at the schoolhouse in said district, and proceed to organize the board by electing one of their number president and another secretary, and the person so elected president shall swear or affirm the other members to perform their duties with fidelity, and one of the other members shall in like manner qualify the person so elected president; and on the first Saturday in August, at 2 o'clock P. M., in every year thereafter, the persons composing the said board of commissioners shall meet at the schoolhouse, or some other place in said district that the said board, by resolution, shall designate, and organize and qualify in like manner.

Commissioners herein named to meet and organize. Time and place of meeting.

Annual organization of commissioners.

SECTION 6. That in order to afford more complete facilities for the education of the children in said district, it is hereby made and declared to be the duty of the commissioners named in the second section of this act, as soon as possible after they shall have entered upon their duties, to cause to be erected and constructed a suitable annex or addition, two stories in height, with two rooms, to the school building in said district for school purposes, to cost not exceeding the sum of fifteen hundred dollars (\$1500). When the said annex or addition to said schoolhouse shall have been erected and completed, the corporation hereby created is expressly authorized and empowered to borrow said sum of fifteen hundred dollars at a rate of interest not to exceed six per cent., and to execute its bond for the said sum of fifteen hundred dollars, and to execute a mortgage on the school buildings and grounds in said district to secure the payment thereof. Such bond and mortgage shall be signed and acknowledged by the president, and attested by the secretary of said board, and shall be payable in ten equal annual installments.

Commissioners shall erect additional school rooms

Cost of, not to exceed \$1,500

Commissioners authorized to borrow money.

Bond and mortgage, how executed.

OF FREE SCHOOLS.

SECTION 7. That commencing with the year 1893, and annually thereafter, there shall be raised by taxation in said district, for the payment of said installments, and for general school purposes, such an amount of money as shall, by a majority of the school voters in said district be deemed sufficient for that purpose, not to be less than five hundred dollars in any one year, so much of which shall annually be applied to the bond and mortgage aforesaid as shall be sufficient to pay the installment then due, with accrued interest, until the said bond and mortgage are paid and satisfied, after which time there shall annually be raised by taxation, for general school purposes, such an amount as shall by a majority of school voters in said district be deemed sufficient to run said schools. All dividends from the school fund which shall be allotted to said incorporated school district shall be paid to the said corporation hereby created, on the written order of the president of the board of commissioners under the seal of the said corporation, and such order shall constitute a sufficient voucher to the Trustee of the School Fund for the payment of such dividend.

\$500 annually shall be raised by taxation.

Dividends, to whom paid.

Order shall be sufficient voucher.

Treasurer shall give bond.

Itemized accounts to be kept.

Semi-annual audit of accounts.

Record shall be open to inspection

Further powers of Board

Warrant of duplicate, how attested

SECTION 8. That the board shall appoint a treasurer, who shall give bond, with sufficient surety, for the faithful performance of his duty. He shall receive and disburse all moneys belonging to the said district under the order and subject to the resolution of said board, and shall keep an accurate and itemized account of all receipts and disbursements in a record expressly provided for that purpose, and his accounts and vouchers shall be inspected and audited semi-annually by a committee of the said board who shall make and enter upon such record a certificate showing the result of such audit, and this record shall be, at all times, subject to inspection by any taxable of said district. The said board shall likewise have power to make by-laws, rules and regulations for its own government and the government of its officers, agents, teachers and schools under its control. And the said board is hereby expressly invested with full power and authority to assess, levy and collect all taxes by this act authorized in the same manner and by the same agencies and with the like powers as is now or may hereafter be provided by law for the collection of school taxes. The warrant annexed to any duplicate of any assessment list shall be signed by the president of the board, attested by the secretary and have the corporate seal thereto affixed.

OF FREE SCHOOLS.

SECTION 9. That a majority of the board of commissioners shall constitute a quorum, and in case of any vacancy in the office of president, secretary or treasurer, the board shall have power to fill the same. In case of the death, removal out of the district, or refusal or neglect to act of any member of the board, the board shall have power to elect another or others in his or their stead to serve until the next annual election, when a successor shall be elected for the unexpired term. The board shall hold regular meetings at such times and at such places as the by-laws may provide, and occasional meetings, when necessary, upon the call of the president or any two members of the board. A record shall be kept of all the proceedings of the said board and of all its orders and resolutions, and the same shall at all times be subject to the inspection of any taxable.

Powers and duties of Board for its own government.

Meetings of Board.

Shall keep a record.

SECTION 10. That this act shall be deemed and taken to be a public act and shall go into effect immediately upon its passage.

SECTION 11. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Inconsistent acts repealed

Passed at Dover, March 16, 1893.

CHAPTER 606.

OF FREE SCHOOLS.

A Supplement to the act entitled "An act for the Advancement of Popular Education," passed at Dover, March 13, 1891.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring):

SECTION 1. That the Commissioners of the Public School of the Town of Milton and vicinity, of the County of Sussex and State of Delaware, be and the same are hereby vested with full power and authority to issue and sell their bonds to an amount not exceeding in the aggregate the sum of eight

School commissioners authorized to issue and sell bonds.

OF FREE SCHOOLS.

thousand dollars (\$8,000) and of the denominations of one hundred dollars and fifty dollars, respectively, and in such proportions as to each of those denominations as shall have been determined by said board of commissioners, and with the money realized from the sale of said bonds pay the bond and mortgage of five thousand dollars (\$5,000) to the president, directors and company of the Farmers' Bank of the State of Delaware, executed by said board of commissioners, as authorized under the act to which this is a supplement, on all the school property belonging to the consolidated school districts Numbers 8, 12, 93 and 153, and 160, and the remaining part of said sum of eight thousand dollars realized from the sale of the said bonds, as aforesaid, to be used under the direction of the said board of commissioners for the purpose of erecting a suitable building and furnishing the same for educational purposes in the said united school districts, which said bonds shall be dated on the first day of July, A. D. 1893, and numbered consecutively, commencing with number one, and shall bear interest from and after that date at such rate as the said board of commissioners may determine, not exceeding six per centum per annum, payable annually, on the first day of July in each year while they remain unpaid, at the Farmers' Bank of the State of Delaware, at Georgetown, on presentation of the coupon representing said annual interest, each annual installment of interest being represented by coupons attached to said bonds, and said bonds shall be payable at the Farmers' Bank of the State of Delaware, at Georgetown, on the first day of July, A. D. 1913, but may be redeemed at the option of the said board of commissioners, at any time after the first day of July, A. D. 1894; *provided however* that no more of such bonds than shall amount in the aggregate at par value to the sum of five hundred dollars shall be redeemed by said board in any one year; *and provided further, however*, that if the said board of commissioners elect to redeem any of said bonds according to their tenor, such redemption shall be effected on the first day of July, and in pursuance of notice, signed by the president of said board of commissioners and the treasurer of said board, published in four consecutive issues of one of the newspapers published in Sussex County, and by printed notices posted, during the month of June preceding the said first day of July, in five of the most public places of the said united school districts. Such notice shall indicate the bonds called,

May pay
bond and
mortgage of
\$5,000.

Remainder,
how ex-
pended.

Bonds to be
dated and
numbered.

Interest not
to exceed six
per centum

Place and
time, bonds
to be paid.

Not more
than \$500 to
paid annu-
ally.

Intent to re-
deem bonds
to be pub-
lished.

Manner of
publication.

OF FREE SCHOOLS.

and in making the calls the said board of commissioners shall call the bonds according to their numbers, beginning with the lowest numbers.

Notices,
what they
shall indi-
cate.

SECTION 2. That the said board of commissioners shall direct and effect the preparation, printing and sale of the bonds authorized by this act, at such time or times, and on such terms and for such sums, not less than their par value, as they may deem expedient, but that all the money, the proceeds of such sale, shall be applied to carrying into effect the provisions of this act; and the said bonds shall be signed by the president of said board of commissioners and treasurer of said board, and denominated Milton School Bonds, and shall be in the following form, to wit:

Commis-
sioners to
prepare
bonds.

Bonds not to
be sold at
less than par
value.

How signed.

United States of America, State of Delaware,
United School Districts Numbers 8, 12, 93, 153 and 160, of
Milton, in the County of Sussex.

No. —.

These presents certify and make known that the commissioners of the public school of the Town of Milton and vicinity, of the County of Sussex and State of Delaware, is held and firmly bound unto the bearer in the sum of — dollars; lawful money of the United States of America, which the said the commissioners of the public school of the Town of Milton and vicinity, of the County of Sussex, and the State of Delaware, binds itself to pay to the bearer on the first day of July, A. D. one thousand nine hundred and thirteen, with interest at the rate of — per centum per annum, payable at the Farmers' Bank of the State of Delaware, at Georgetown, on the first day of July in each and every year until the principal be paid, upon presentation of the coupons hereto annexed representing such annual installment of interest; *Provided however*, and it is expressly stipulated that the said The Commissioners of the Public School of the Town of Milton and vicinity, of the County of Sussex and State of Delaware, reserves to itself, at its option, to call in and redeem this bond on the first day of July, A. D. one thousand eight hundred and ninety-four, pursuant to the notice provided for by the act of Assembly in accordance with the provisions of which this bond is issued; *And provided further*, that when this bond shall be called in by the notice aforesaid, interest thereon shall cease to accrue from and after the first day of July next succeeding the date of such notice. Dated at Milton, the first day of July, A. D. 1893.

Form of
bond.

OF FREE SCHOOLS.

How signed. Witness the seal of this board of commissioners and the hands of the president and treasurer of said board.

(Corporation seal).

_____, Pres. of Board.
_____, Treas. of Board.

Coupons to be cancelled upon payment. As the said interest coupons and said bonds are paid the same shall be cancelled in such manner as the said board of commissioners shall direct.

Bonds a lien upon school property. The bonds issued and sold by the said board of commissioners, in accordance with the provisions of this act, shall be a lien upon all real property situated and lying in said united school district.

Commis- sioners au- thorized to raise money by annual tax to pay bonds. SECTION 3. That for the purpose of raising the funds necessary for the redemption of said bonds and for the payment of the interest thereon, the said The Commissioners of the Public School of the Town of Milton and vicinity, of the County of Sussex and State of Delaware, are hereby further authorized, empowered and directed to assess, raise and collect annually, in the same manner as now provided by law for assessing, raising and collecting the school taxes in said united school districts, such further sums of money as shall in the judgment of the said board of commissioners be necessary and sufficient to meet the interest on said bonds as the same shall accrue and to redeem the said bonds as the same shall be called in by the said commissioners, according to the provisions of this act. The sums assessed, raised and collected under and by virtue of the provisions of this section to be in addition to the sums assessed, raised and collected by the said commissioners for ordinary school purposes, the said sum assessed and to be collected for general school purposes to be not more than one thousand dollars nor less than five hundred dollars per annum; *provided* that the sum levied and assessed under and by virtue of this section shall not exceed the interest of the bonds then outstanding and the par value of the bonds called in for that year by more than twenty per cent. of the aggregate amount of said interest and par value.

What sums to be raised for general school purposes. *Proviso*

Funds that may be used for building new school houses. SECTION 4. That the Commissioners of the Public School of the Town of Milton and vicinity, of the County of Sussex and State of Delaware, are hereby further authorized, empowered and directed to use the surplus fund from the amount raised by taxation for school purposes during the

OF FREE SCHOOLS.

year, or to use the fund raised by taxation to pay interest or installments on mortgage, and also the money now in the hands of the treasurer, being the amount realized from the insurance on the school building recently destroyed by fire, for the purpose of building a new schoolhouse, if required for said use, and if not so required, to be used to meet the bonds of said united school districts as the same shall be called in, pursuant to the provisions of this act; but nothing herein contained shall be construed to give to the said commissioners the right to expend any surplus money arising from the nonuse of any State funds due the said district for any year or coming into the hands of the said commissioners.

Surplus from State funds not to be used for certain purposes.

SECTION 5. That Section 2 of the act of Assembly, to which this is a supplement, be amended by adding at the close of said section after the word "services" the following: "But the secretary and treasurer selected as herein provided shall each receive a compensation to be agreed upon and fixed by said board of commissioners"; and that Section 6 of said act, to which this is a supplement, be amended by striking out all after the word "publish," in the twenty-seventh line thereof, and all before the letter "a," in the twenty-ninth line thereof, and inserting in lieu thereof the words "by printed or written notices to the voters of said united school districts, posted in the month of June of every year ten days before the annual election in five of the most public places of the said united school districts"; and that Section 9 of said act, to which this is a supplement, be amended by striking out all of the said section after the word "schoolhouse," in the ninth line thereof, and inserting in lieu thereof the following: "The said lot or lots of land or site or sites to be selected at a meeting of the said board of commissioners, and that the said board shall immediately, after agreeing upon two or more sites, and every place presented at the meeting of said board and receiving two votes shall be considered a site agreed upon by said board, give public notice, by written notices posted in five of the most public places of the said united school districts, which said notices shall describe the location of the said sites and the probable costs thereof, of a time and place at which the said voters shall, by ballot, express their choice of one of the said places, and the one receiving the highest number of votes at said election shall be the site selected for the said schoolhouse, upon which the said board of commissioners shall erect or cause to be erected a new school building or build-

Compensation of Secretary and Treasurer.

Notices to voters, how posted.

Manner of selecting site for school building.

Duty of commissioners when site is agreed upon

OF FREE SCHOOLS.

"Old Academy lot" may be enlarged. Procedure by application to court.

Duty of commissioners, if appointed.

ings and to fully complete and furnish the same for the use of said public schools of the Town of Milton and vicinity. Should however, under the provisions of this act, the lot known as the "Old Academy Lot," in the Town of Milton, be selected as the site for the schoolhouse, and should the board of commissioners aforesaid deem the said lot known as the "Old Academy Lot" to be too small for the purposes for which it was selected, the said board of commissioners may apply to the Court of General Sessions of the Peace and Jail Delivery of the State of Delaware in and for Sussex county for the appointment of five suitable persons, who shall go upon and view a certain alleyway lying or running between the said "Old Academy Lot" and land of the heirs of Joseph L. Black and connecting two streets, and they shall condemn the same for school purposes, and make return in accordance with the provisions of Chapter 60, Revised Code of the State of Delaware.

Passed at Dover, April 6, 1893.

CHAPTER 607.

OF FREE SCHOOLS.

A Supplement to Chapter 496, Volume 18, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

School districts 22 and 99, Kent county, subdivided.

State funds, how distributed.

Districts Nos. 22, 22½ and 99 consolidated.

SECTION 1. That School Districts Nos. 22 and 99, in Kent County, shall be and they are hereby subdivided into three school districts, to be designated Nos. 22 and 22½ and 99, and that the said three districts shall be each entitled to the rights, privileges, emoluments and advantages of separate school districts in the distribution of the school fund by the Trustee thereof.

SECTION 2. That the said three districts created by Section 1 of this act are hereby consolidated and reunited as the Camden Board of Public Education, and as such reunited

OF FREE SCHOOLS.

and consolidated district shall have, exercise and be possessed of all the powers, rights and incidents specified and provided by the act to which this is a supplement, and any acts amendatory thereof. Powers of said districts.

Passed at Dover, April 12, 1893.

CHAPTER 608.

OF FREE SCHOOLS.

AN ACT appointing a Committee to erect a New Schoolhouse in School District No. 20 in Sussex County, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That John M. Houston, John E. M. Burton, and John B. Steele, be and they are hereby constituted a committee for School District No. 20 in Sussex county, which shall be known as "The Finance Committee of School District, No. 20, in Sussex County," and they and their successors are hereby invested with all the powers enumerated in this act. Finance committee created for school district No. 20, Sussex County.

SECTION 2. That the said committee be and they are hereby authorized and empowered to sell, either at private or public sale, the schoolhouse in said district, and also to purchase for the use of said school district a convenient lot of land or site for a new schoolhouse, and also to erect thereon a suitable new school building for the use of the said district, which said lot of ground when purchased, and the said building when erected thereon as aforesaid, shall be for the exclusive use and benefit of said School District No. 20, and the deed or deeds therefor shall be taken in the name of "The School Commissioners of School District No. 20 in Sussex County," their successors and assigns. Powers and duties of committee.

SECTION 3. That the said committee is hereby further authorized and empowered to borrow any sum of money, not exceeding five hundred dollars, for the purpose of carrying Deeds for lot, how taken. Committee may borrow money.

OF FREE SCHOOLS.

Proviso. into execution the provisions of Section 2 of this act, and which said sum of money so authorized to be borrowed, may be borrowed at one time, and of one individual or corporation, or in different sums and at different times, or of one or more individuals or corporations; *provided* that in the whole the said committee shall not borrow more than five hundred dollars for the purposes as aforesaid.

Committee may execute bonds or mortgages. SECTION 4. That for the purpose of securing to the loaner or loaners the payment of the money so to be borrowed under the provisions of this act, with the interest thereon, the said committee is authorized and empowered to make, execute and deliver to the loaner or loaners the bond or bonds of said school district — or — a mortgage or mortgages upon any or all real estate owned by said school district at the time of the execution thereof, which bond or bonds, or mortgage or mortgages shall be signed by the said committee, and shall be sealed by the seal of the said committee hereinafter provided for. Such bond or bonds, or mortgage or mortgages, may be of such sums as said committee may deem expedient, provided that the sum of one hundred dollars shall become due and payable on the first day of July in each and every year from the date of issue thereof, with the accrued interest on the whole sum unpaid, and provided further that the first installment shall not become due and payable until the first day of July, A. D. 1894. Said bonds or mortgages shall bear interest at a rate not exceeding six per centum per annum.

Obligations, how executed.

\$100 and accrued interest to be paid annually.

First payment, when made.

Rate of interest.

School commissioners shall levy tax to pay bonds. SECTION 5. That for the purpose of raising the funds necessary to pay the money authorized by this act with its interest, the school commissioners of the said district are hereby authorized and empowered to assess, raise and collect, as now provided by law, in addition to the amount which may be fixed and determined upon by the school voters of said district at the annual stated meetings held each year for the purpose of running the schools in said district, a sum equal to the amount which will become due and payable upon said bonds or mortgages with the interest accrued upon the whole unpaid sum, the first assessment for said purpose to be made in the year 1893.

First assessment.

Finance committee may adopt seal of office. SECTION 6. That to enable the said committee properly to execute the bond or bonds, mortgage or mortgages contemplated by this act, the said committee is hereby directed and required to adopt a common seal for the use of the said

OF FREE SCHOOLS.

district, with the name "The Finance Committee of School District No. 20" written within the circle thereof, which said seal, together with the respective signatures of the said committee, shall be affixed to the said bond or bonds, mortgage or mortgages, at the time they are executed.

SECTION 7. That when the said committee shall have executed their powers under the provisions of this act they shall render unto the school commissioners of said district, at a stated annual meeting next thereafter, a full and accurate account of the bonds and mortgages executed by them, the amount of money realized therefrom, and the amount of money expended by them in the purchase of a site for a school building and for the erection and completion of a school building thereon, with their proper vouchers therefor, and any sum of money remaining in their hands unexpended shall be paid over to the said school commissioners, to be by them expended as other funds belonging to said school district.

Report of "Finance committee" when to be made.

Contents of report.

SECTION 8. That in case a vacancy happens in said committee by death, resignation, or otherwise, the Associate Judge resident in Sussex county shall appoint another or others to fill such vacancy or vacancies until their duties under the provisions of this act are fully performed and completed.

Vacancies, how filled.

SECTION 9. This act shall be deemed and taken to be a public act.

Passed at Dover, April 12, 1893.

OF FREE SCHOOLS.

CHAPTER 609.

OF FREE SCHOOLS.

AN ACT in relation to the Middletown Schools.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring :

School Districts Nos. 60 and 94 divided.

Boundaries.

Rights and privileges of separate districts

Districts 60, 6 1/2 and 94 united.

Name.

Powers and franchises.

How governed.

Inconsistent acts, repealed

SECTION 1. That on and after the first day of July, A. D. 1893, United School Districts Nos. 60 and 94, in New Castle county, as now bounded or may hereafter be bounded, shall be divided into three districts, that is to say: that School District No. 60, as now bounded or may hereafter be bounded, shall be divided by a line beginning at the intersection of the road leading from the town of Middletown and the town of Odessa with the road leading from the town of Middletown to the town of Townsend, and running east to the road known as the Middle Lane; all that part of said district No. 60 lying north of said line shall be known as district No. 60, and that part of said district No. 60 lying south of said line shall be known as district No. 60½, and the old School District No. 60, as divided and diminished by this act, and the new School District No. 60½, as created by this act, and also old School District No. 94, shall each have and enjoy all the rights, powers, incidents, immunities, privileges and benefits of a school district of this State, and be entitled to their proportional share of the school fund of this State as apportioned to New Castle county.

SECTION 2. That the said districts Nos. 60, 60½ and 94, as now bounded or as they may hereafter be bounded, shall from and after the first day of July, A. D. 1893, form one united school district under the name of the Middletown School, and shall have the same corporate powers and franchises as other united school districts have by the laws of this State, and shall be governed by the board of education as now constituted under Chapter 357, Volume 15, Laws of Delaware, and its successors, as provided in said Chapter 357, Volume 15, Laws of Delaware.

SECTION 3. That all laws or parts of laws inconsistent herewith are hereby repealed.

OF FREE SCHOOLS.

SECTION 4. That this act be an amendment to Chapter 357, Volume 15, Laws of Delaware, and shall be deemed and taken to be a public act. Chapter 357, Vol. 15, amended.

Passed at Dover, May 4, 1893.

CHAPTER 610.

OF FREE SCHOOLS.

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to establish the Kenton Public Schools,'" Chapter 459, Volume 17, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

SECTION 1. Strike out all of Section one of said act and insert in lieu thereof the following: "Amend Section 8 of Chapter 459, Volume 17, Laws of Delaware, by striking out all before the word 'all,' in line four thereof, and inserting in lieu thereof the following: 'That for the year beginning the first day of July, A. D. eighteen hundred and ninety-three, and annually thereafter, the commissioners of the said Kenton Public Schools may raise, by taxation, for general school purposes within the said district any sum that in their judgment they may deem necessary, the same not to be less than one hundred and twenty-five dollars nor more than five hundred dollars' ". Section 8, Chapter 459, Vol. 17, amended. Amount raised by taxation, \$125 to \$500.

Passed at Dover, May 4, 1893.

OF FREE SCHOOLS.

CHAPTER 611.

OF FREE SCHOOLS.

AN ACT to divide School District No. 61, of New Castle County, into two districts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring therein):

School District No. 61, New Castle County, divided.

Boundaries.

Shall have the rights and immunities of the separate districts.

School districts Nos. 61 and 61½ incorporated.

Board of Education, names of members.

SECTION 1. That School District No. 61, of New Castle County, as it is now bounded or may hereafter be bounded, shall be divided into two districts, by a line beginning in the public road in said district at or near the line between lands of Elias N. Moore and Joseph L. Gibson, and following said road to the county bridge crossing the Appoquinimink River, at Odessa, thence by main street of said town of Odessa to the limits of said town where they connect with the road leading to Middletown, and thence with said road known as Mill Lane, and that all that part of the said district No. 61, as herein referred to, lying on north and east side of the said dividing line, shall be known and designated as district No. 61, and that part of the said district No. 61 lying on south and west of said line shall be known and designated as district No. 61½, and the old School District No. 61, as divided and diminished by this act and the new School District No. 61½ as created by this act, shall each have and enjoy all the rights, powers, incidents, immunities, privileges and benefits of a school district of this State and be entitled to their proportional share of the school fund of this State as apportioned to New Castle County.

SECTION 2. That from and after the passage of this act, School Districts No. 61 and No. 61½ of New Castle County, as created by the foregoing section of this act, shall form one united school district, bounded by the boundaries of School District No. 61 as they were before it was divided hereby into two districts, and the same shall be consolidated and incorporated under the name and style of the "Odessa Public Schools," and shall be governed by a board of education consisting of five members as follows: Joseph L. Gibson, Daniel W. Corbit, John G. Armstrong, George L. Townsend and George W. Polk, who shall serve until their successors shall have been elected, as by law provided, and that under

OF FREE SCHOOLS.

the name and style aforesaid the said board shall be a body corporate and shall have full power and authority to establish and modify, from time to time, a system of education for the children of school age within the above named consolidated district; to make rules for their own government and the government of the schools and teachers under their superintendence; to elect, as soon after the passage of this act as practicable, one of their own number as president and one as secretary and treasurer of the board, who shall give bond to secure his fidelity in such amount as the board may deem sufficient.

Powers and duties of board.

Organization of board

The board shall also have power at any time to fill such vacancies as may occur until the regular time for holding the school election in this State.

Vacancies, how filled before first election.

SECTION 3. The first election under this act shall be held on the day for holding general school elections in this State for 1893, at which time two persons shall be elected to serve for the term of one year, two persons to serve for the term of two years, and one person to serve for the term of three years as members of the board of education aforesaid; and all vacancies caused by expiration of terms of office or otherwise shall be filled at the annual school election to be held hereafter, according to the laws of the State of Delaware, and on the Monday following each annual election the board of education shall meet and organize, as provided by Section 2 of this act.

Members of board to be elected in 1893.

Vacancies, how filled.

Board shall organize annually.

SECTION 4. That the taxpayers shall determine at each annual election the amount of taxes, provided it is not inconsistent with the school laws of the State, which will be necessary to be levied, in addition to the two dividends provided for by this act, for the maintenance of schools in said consolidated district; and that the board of education shall have all the powers conferred upon commissioners of other districts for the collection of taxes, and shall have the right to draw the two dividends due from the State as drawn by other districts.

Taxpayers shall determine amount of tax to be levied annually.

Powers of board of education to collect taxes

SECTION 5. The said board of education shall have authority to borrow money to an amount not exceeding the sum of two thousand dollars for the purpose of providing an additional room or rooms, as may be required by the school, and to issue the bond of the district for the payment thereof.

Board of education may borrow \$2,000 for building purposes.

OF FREE SCHOOLS.

Inconsistent
laws re-
pealed.

SECTION 6. That all laws or parts of laws inconsistent herewith are hereby repealed.

SECTION 7. That this act shall be deemed and taken to be a public act.

Passed at Dover, February 17, 1893.

CHAPTER 612.

OF FREE SCHOOLS.

AN ACT for the relief of United School Districts 39 and 41 in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

United
School Dis-
tricts Nos.
39 and 41,
subdivided
into four dis-
tricts.

SECTION I. That United School Districts Nos. 39 and 41 in New Castle county be and the same are hereby divided into four school districts, which shall be known and designated as School Districts Nos. 39, 39½, 41 and 41½, and bounded and described as follows, to wit:

Boundaries
of district
No. 39.

No. 39. All that portion of United School Districts Nos. 39 and 41, as the same existed before the passage of this act, which is North of Main street in the Town of Newark, and the Nottingham road, and west of the creek road.

Boundaries
of district
No. 39½.

No. 39½. All that portion of United School Districts Nos. 39 and 41 as aforesaid, which is south of Main Street in the Town of Newark, and the Nottingham road, and west of the depot road.

Boundaries
of district
No. 41.

No. 41. All that portion of United School Districts Nos. 39 and 41 as aforesaid, which is north of Main street in the Town of Newark, and the road leading to Ogletown, and east of the creek road.

Boundaries
of district
No. 41½.

No. 41½. All that portion of the United School Districts Nos. 39 and 41 as aforesaid, which is south of Main Street, in the Town of Newark, and the road leading to Ogletown, and east of the depot road.

OF FREE SCHOOLS.

The four districts formed by this act shall have and enjoy all the rights, powers, incidents, immunities, privileges and benefits of school districts in this State, and each of said districts shall be entitled to its proportionate share of the school fund of this State apportioned to New Castle county.

SECTION 2. That from and after the passage of this act School Districts Nos. 39, 39½, 41 and 41½, in New Castle county, as formed and bounded by the foregoing section of this act, shall form one consolidated district, bounded by the boundaries of United School Districts Nos. 39 and 41, as they were before it was divided hereby into four districts, and the same shall be consolidated and incorporated under the name and style of "The Newark Public Schools," and shall be governed by a "Board of Education," consisting of three members, as follows: George W. Williams, Charles C. King and R. B. Herdman, who shall serve until their successors shall have been elected, as by law provided; and that under the name and style aforesaid the said board shall be a body corporate, and shall have full power and authority to establish and modify from time to time a system of education for the children of school age within the above named consolidated school districts; to make rules for their own government and the government of the scholars and teachers under their superintendence; to elect, as soon after the passage of this act as practicable, one of their own members as president and one as secretary and treasurer of the board, who shall give bond for the faithful performance of his office in such amount as the board may deem sufficient.

The board shall also have power at any time to fill such vacancies as may occur until the regular time for holding the school election in this State.

SECTION 3. The first election under this act shall be held on the day for holding general school elections in this State for 1893, at which time one person shall be elected to serve for the term of one year, one person to serve for the term of two years, and one person to serve for the term of three years as members of the board of education aforesaid, and all vacancies caused by expiration of term of office or otherwise shall be filled at the annual school election to be held hereafter according to the laws of the State of Delaware, and on the Monday following each annual election the board of education shall meet and organize, as provided by Section 2 of this act.

Rights and immunities of the several districts.

Districts Nos. 39, 39½, 41 and 41½ incorporated.

Corporate name.

Members of "Board of Education."

Powers of board.

Organization of board

Vacancies, how filled until first election.

New members, when to be elected

Vacancies, how filled.

Board of education shall organize annually.

OF FREE SCHOOLS.

Authority of
board to
levy tax.

SECTION 4. That the board of education aforesaid is hereby vested with all the authority conferred by any law of the State of Delaware on the School Committee of United School Districts Nos. 39 and 41, in New Castle County, authorizing it to lay and raise by taxation any sum or sums of money which may be necessary to carry on the schools and for incidental expenses, in addition to the four dividends provided by this act, and the board of education shall have all the powers conferred upon commissioners of other districts for the collection of taxes, and shall have the right to draw the four dividends due from the State as drawn by other districts consolidated in like manner.

Powers of
board to col-
lect tax and
draw divi-
dends.

Inconsistent
laws re-
pealed.

SECTION 5. That all laws and parts of laws inconsistent herewith are hereby repealed.

SECTION 6. That this act shall be deemed and taken to be a public act.

Passed at Dover, March 22, 1893.

CHAPTER 613.

OF FREE SCHOOLS

AN ACT to divide School District No. 53, of New Castle County, Delaware, into two districts, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring therein):

School Dis-
trict No. 53
subdivided
into two dis-
tricts.

SECTION 1. That School District No. 53, of New Castle County, as it is now bounded or may hereafter be bounded, shall be divided into two districts by a line beginning at a stone bridge in the public road in said district at or near the line between the lands of Lydia E. Smith and Anthony M. Higgins, Esq., and following said road to the Town of St. Georges, thence by Main street to the limits of said town, thence by road leading to Odessa to a bridge known as Fidler's bridge; and that all that part of the said District No.

Boundaries
of the new
districts.

OF FREE SCHOOLS.

53, as herein referred to, lying on the north and east side of the said dividing line, shall be known and designated as District No. 53, and that part of said district No. 53 lying on the south and west of said dividing line shall be known and designated as District No. 53½, and the old School District No. 53, as divided and diminished by this act, and the new School District No. 53½, as created by this act, shall each have and enjoy all the rights, powers, incidents, immunities, privileges and benefits of a school district of this State, and be entitled to their proportional share of the school fund of this State as apportioned to New Castle County.

Rights and immunities of each district.

SECTION 2. That from and after the passage of this act School Districts Nos. 53 and No. 53½ of New Castle County, as created by the foregoing sections of this act, shall form one united school district, bounded by the boundaries of School District No. 53 as they were before it was divided hereby into two districts, and the same shall be consolidated and incorporated under the name and style of the "St. Georges Public Schools," and shall be governed by a board of education consisting of five members as follows: John W. Carrow, jr., George W. Simpler, Edwin H. Peckard, William M. Stuckert, and Joseph Heisel, who shall serve until their successors shall have been elected, and that under the name and style aforesaid the board shall be a body corporate and shall have full power and authority to establish and modify, from time to time, a system of education for the children of school age within the above named consolidated district; to make rules for their own government and the government of the schools and teachers under their superintendence; to elect as soon after the passage of this act as practicable one of their own number as president, and one as secretary and treasurer of the board, who shall give bond to secure his fidelity in such amount as the board may deem sufficient.

Districts Nos. 53 and 53½ incorporated.

Corporate name.

Members of board of education.

Powers of board.

Organization of board.

The board shall also have power, at any time, to fill such vacancies as may occur until the regular time for holding the school election herein provided.

Vacancies, how filled till first election.

SECTION 3. The first election under this act shall be held on the last Saturday in June in the year 1893, and each year thereafter, at which time two persons shall be elected to serve for the term of one year, two persons to serve for the term of two years, and one person to serve for the term of three years, as members of the board of education aforesaid, and all va-

New members, when to be elected

OF FREE SCHOOLS.

Vacancies, how filled. cancies caused by expiration of terms of office, or otherwise, shall be filled at the annual school election to be held hereafter as herein provided for, and on the Monday following each annual election the board of education shall meet and organize as provided in Section 2 of this act.

Board shall organize annually.

Taxpayers shall determine amount of tax levy.

SECTION 4. That the taxpayers shall determine at each annual election the amount of taxes, provided it is not inconsistent with the school laws of the State, which will be necessary to be levied in addition to the two dividends provided for by this act, for the maintenance of schools in said consolidated district, and that the board of education shall have all the powers conferred upon commissioners of other districts for the collection of taxes, and shall have the right to draw the two dividends due from the State as drawn by other districts.

Powers of board to collect taxes and draw dividends.

Inconsistent laws repealed.

SECTION 5. That all laws or parts of laws inconsistent herewith [are hereby] repealed.

SECTION 6. This act shall be deemed and taken to be a public act.

Passed at Dover, March 28, 1893.

CHAPTER 614.

OF FREE SCHOOLS.

AN ACT to divide School District No. 78, in New Castle County, into Districts Nos. 78, 78¼ and 78½, and to consolidate those districts into United School Districts Nos. 78, 78¼ and 78½.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

School District No. 78, subdivided.

SECTION 1. That School District No. 78, in New Castle county, be and the same is hereby divided into three school districts, which shall be designated as School Districts Nos. 78, 78¼ and 78½.

OF FREE SCHOOLS.

No. 78 shall consist of that part of the old district north-
erly from the land annexed to the City of Wilmington by an
act passed May 5th, 1891, and westerly from the line dividing
the land of Jennie R. Field from lands of Samuel Bancroft,
jr., and Joseph Bancroft and Sons Company.

Boundaries
of district
No. 78.

No. 78½ shall consist of that part of the old district north-
erly of the land annexed to the City of Wilmington as afore-
said and easterly of the new District No. 78.

Boundaries
of district
No. 78½.

No. 78½ shall consist of that part of the old district south-
erly from the land annexed to the City of Wilmington as
aforesaid.

Boundaries
of district
No. 78½.

SECTION 2. That the said three districts created by Section
1 of this act are hereby consolidated and reunited and shall
be called United School Districts Nos. 78, 78½ and 78½, in
New Castle county.

The three
districts re-
united.

SECTION 3. That the clerk and commissioners of District
No. 78 shall be the officers of the united districts until the
terms for which they were elected shall expire.

Officers of
united dis-
tricts.

SECTION 4. That the school house and lot and other
property of School District No. 78 shall vest in the united
districts; and all taxes and debts due to District No. 78
shall be payable to the united districts.

Property of
district No.
78 to vest in
new districts
Taxes and
debts, how
payable.

SECTION 5. That the united districts shall be liable for
the debts of District No. 78.

Liable for
debts of
No. 78.

SECTION 6. That the united districts shall be entitled to
the advantage of separate districts in the distribution of the
State school funds, but they shall not receive any dividend
unless they shall during the year have collected by taxation
or contribution an amount three times as great as each
single district in New Castle County is required to collect.

School divi-
dends, how
distributed.

SECTION 7. That this shall be deemed and taken to be a
public act, and all laws of this State applicable to free
schools and not inconsistent or in conflict with the provisions
of this act shall be applicable to the said united districts.

Free school
laws of this
State shall
apply to
united dis-
tricts.

Passed at Dover, April 19, 1893.

OF FREE SCHOOLS.

CHAPTER 615.

OF FREE SCHOOLS.

AN ACT dividing School Districts Nos. 81 and 81½ of New Castle County into Three School Districts, and establishing a Board of Education for Townsend, incorporating the same, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Districts
Nos. 81 and
81½ subdivi-
ded.

SECTION 1. That School Districts Nos. 81 and 81½, in New Castle county, be and the same are hereby divided into three school districts which shall be known and designated as School Districts Nos. 81, 81¼ and 81½, by creating a new district from and out of all that part of School district No. 81½, as it is now bounded, lying and being on the east side of South street, in the Town of Townsend, and the public road leading from Townsend to Barlow's Bridge. The three school districts formed by this act shall have and enjoy all the rights, powers, incidents, immunities, privileges and benefits of school districts in this State, and each of said districts shall be entitled to its proportional share of the school fund of this State apportioned to New Castle County.

Rights and
immunities
of the sever-
al districts.

Districts
Nos. 81, 81¼
and 81½
consolidated
How gov-
erned.

SECTION 2. That from and after the passage of this act, School Districts Nos. 81, 81¼ and 81½, in New Castle county, as they are now formed and bounded and as altered by this act, shall form one consolidated district, to be governed and managed by a board of public education, consisting of nine members, to be elected, as hereinafter provided.

Corporate
name

SECTION 3. That from and after the passage of this act there shall be established in and for said consolidated districts a board of education to be styled "The Board of Public Education of Townsend," whose design and purpose shall be the direction, management and superintendence of the public education of children in said consolidated districts between the ages of six and twenty-one years.

Members of
Board of
Education.

SECTION 4. That the following named citizens of said consolidated districts, namely: Armour L. Quillen, Walter Lord, Nathan Ratledge, George M. D. Hart, Daniel B. Maloney, Thomas Bratton, Israel Pritchard, James L. Dickson, Albert Lynam, and their successors, as hereinafter pro-

OF FREE SCHOOLS.

vided, shall constitute the said board, and under the name and style aforesaid shall be and they are hereby created a body politic and corporate for the purpose aforesaid, and as such shall have full power and authority to devise, establish and to modify from time to time a plan and system of education for children between the ages aforesaid in the said consolidated districts and to superintend the same; to appoint, suspend and remove teachers and provide schoolhouses; to make by-laws, rules and regulations for their own government and for the government of the teachers and schools under their superintendence; to designate and elect officers of the said board, and to fill vacancies, in any manner howsoever caused, until the next election for members of the board; and to take and acquire, receive, hold and enjoy for the purpose aforesaid moneys and real and personal estate, by bargain and sale, gift, grant, contract, devise or bequest; and that they, as such body corporate and by the name and style aforesaid, may sue and be sued, plead and be impleaded in any court of law or equity in the State of Delaware or elsewhere, and have a common seal, with power to alter the same, and otherwise generally shall be clothed with all the rights, powers and privileges incident to corporations and necessary and convenient for carrying out the purposes of their creation.

Powers and
duties of
Board.

May fill
vacancies in
Board until
next school
election.

Corporate
powers.

SECTION 5. That the persons named as corporators in this act shall constitute the board of public education until the last Saturday in June, A. D. 1893, or until their successors are duly elected and qualified. The first election for the members of the board of public education shall take place on the last Saturday in June, A. D. 1893, at which election three members of the said board shall be elected to serve for the term of three years, three for two years and three for one year or until their successors are duly elected and qualified; and three members of the said board shall be elected annually thereafter on the last Saturday in June, and the persons so chosen at an annual election after the election to be held on the last Saturday in June, 1893, shall serve for the term of three years, or until their successors are duly elected and qualified; any vacancy happening in the said board, from any cause whatever, may be filled for the residue of the school year in which it happens by the other members of the board. The said election shall be held in the afternoon, the polls opened at one o'clock or within thirty minutes thereafter and closed at four o'clock. The members

New Board
to be elected
in June, 1893

Terms of
office.

Vacancies,
how filled.

OF FREE SCHOOLS.

Manner of
holding
school elec-
tion

shall not receive or be allowed any compensation, except the secretary and treasurer, for their services. The board shall elect a president and secretary (the latter shall also be treasurer) who shall not be members thereof. The board shall appoint the place of election and give notice thereof for ten days previous to the time of holding said election, by handbills under the signature of the secretary of the board, posted in five of the most public places in the consolidated districts. They shall appoint an inspector and assistant inspector of the said election (not members of the board) who shall preside thereat.

Oath of elec-
tion officers.

The officers holding the election shall, before opening the polls, each take an oath or affirmation, as follows:

I ———, do solemnly swear or (affirm), that in holding the election this day for members of the board of public education, I will faithfully and impartially perform my duty and make true certificates of the results thereof, and deliver the same according to law, so help me God, (or so I solemnly affirm).

Who may
administer
oaths.

The inspector is authorized to administer this oath or affirmation to the assistant, and he to the inspector. Within two days after any election certificates of the result shall be delivered under the hands of the officer holding the election to each of the persons elected, which certificate shall be made and counted as aforesaid immediately after counting the votes. The board shall be the judges of the election and qualifications of its members, who must in addition to being qualified voters of said consolidated districts, have paid a school tax within the year preceding the election, and must be elected by the voters of said consolidated districts having the same qualifications; plurality of votes to elect.

Board shall
be judges of
election of
members.

Qualifica-
tions of
members.

Illegal vot-
ing, how
punished.

SECTION 6. That if any person not having a right to vote under this act shall vote at this election, or if any inspector or assistant inspector shall knowingly take the vote of a person not having the right to vote, or shall neglect or refuse to make and deliver certificates of the result of any election, as required by the next foregoing section, any such person, inspector or assistant inspector, shall forfeit and pay fifty dollars, to be adjudged on indictment and conviction in the Court of General Sessions of the Peace and Jail Delivery in and for the County of New Castle, and to be paid to the board of public education aforesaid for the benefit of the schools under its charge.

OF FREE SCHOOLS.

SECTION 7. That the board of public education shall, within ten days after settling with the State Auditor in every year, cause to be published a full report of their accounts and proceedings during the past year, setting forth aggregates under their appropriate heads; they shall also depute one of their members to settle with the Auditor of the State.

Board shall
publish an-
nual report.

Settlement
with State
Auditor.

SECTION 8. That the board of public education shall, on or before the last Saturday of June in each and every year, determine the amount of money that shall be necessary to carry on the schools and for incidental expenses for the ensuing year, and that the taxes levied and collected for educational purposes in the said consolidated districts shall be levied and collected as now provided by law, and the board of public education in assessing the same shall have all the powers granted to county assessors by Section 10 of Chapter 10 of the Revised Code.

Board shall
determine
amount of
tax levy.

Taxes, how
collected.

SECTION 9. That the board of public education shall have the same power and authority in collecting taxes given to commissioners of public schools in this State, and shall have the right to draw, from time to time, such dividends as are drawn by other districts consolidated in like manner.

Powers of
Board to
collect taxes
and draw
dividends.

SECTION 10. That each member of the board of public education, before entering upon the duties of his office, shall take an oath or affirmation to perform the same diligently and faithfully according to the best of his knowledge and judgment. Such oath or affirmation may be administered by the president of the board or any member thereof, as well as by an officer authorized by law to administer oaths or affirmations.

Members of
Board shall
take an oath
of office.

President of
Board may
administer
oath.

SECTION 11. That the secretary and treasurer of the said board of public education shall be required to give full and sufficient bond with approved security for the faithful performance of his duties under this act, and which shall be sufficient to cover the full amount of money which may at any time come into the hands of said secretary and treasurer, and shall receive a compensation for his services as may be determined and fixed by said board. He shall file a copy of the proceedings of annual meetings with the clerk of the peace of New Castle County, and shall also record the proceedings in a book belonging to said consolidated districts as is now by law provided.

Secretary
and Treas-
urer shall
give bond.

Compensa-
tion of Sec-
retary and
Treasurer.

Duties of
Secretary
and Treas-
urer.

OF FREE SCHOOLS.

Term of corporate existence.

SECTION 12. That this act shall be and continue in force for the term of twenty years from and after its passage, and that all the laws or parts of laws that conflict with the same or any of its provisions be and the same are hereby repealed so far as they conflict with Districts Nos. 81, 81 $\frac{1}{2}$ and 81 $\frac{1}{4}$.

Passed at Dover, May 3, 1893.

CHAPTER 616.

OF FREE SCHOOLS.

AN ACT to divide, consolidate and incorporate United School Districts Nos. 77 and 99, in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

Districts Nos. 77 and 99 subdivided.

SECTION 1. That United School Districts Nos. 77 and 99, in New Castle County, be and the same are hereby divided into three school districts which shall be known and designated as School Districts Nos. 77, 99 and 99 $\frac{1}{2}$, and bounded and described as follows, to wit:

Boundaries of District No. 77.

No. 77. Beginning in the middle of the public road leading from Marshallton to Greenbank, where said road intersects the road leading from Newport to McCoy Yearsley's shops, thence along the middle of said road in a northerly direction to the northern boundary line of United School Districts Nos. 77 and 99, in New Castle County, as the same existed before the passage of this act, thence in a westerly direction following the boundary line of said united school districts, as they existed as aforesaid, to the middle of the first mentioned public road, thence by the middle of said road in a northerly direction to the place of beginning.

Boundaries of District No. 99.

No. 99. Beginning in the middle of the public road leading from Marshallton to Greenbank, where said road intersects the road leading from Newport to McCoy Yearsley's shops, thence along the middle of said road in a

OF FREE SCHOOLS.

northerly direction, to the northern boundary line of United School Districts Nos. 77 and 99, as the same existed as aforesaid, thence in an easterly direction, following the said boundary line to the middle of the public road that intersects the old Newport and Gap turnpike at the African Church, thence in a westerly direction along the middle of the said road to Marshallton and place of beginning.

No. 99½. Beginning in the middle of the public road leading from Marshallton to Stanton, where said road intersects the road leading to McCoy Yearsley's shops, thence in a southerly direction along the middle of said road to the southern boundary line of United School Districts Nos. 77 and 99, as the same existed as aforesaid, thence in an easterly direction, following the aforesaid boundary line to the middle of the public road that intersects the old Newport Gap turnpike at the African Church, thence in a westerly direction along the middle of the said road to Marshallton and place of beginning.

Boundaries
of District
No. 99½.

The three districts formed by this act shall have and enjoy all the rights, powers, incidents, immunities, privileges and benefits of school districts in this State, and each of said districts shall be entitled to its proportionate share of the school fund of this State apportioned to New Castle County.

Rights and
immunities
of the sev-
eral districts

SECTION 2. That from and after the passage of this act, School Districts Nos. 77, 99 and 99½, in New Castle County, as formed and bounded by the foregoing section of this act, shall form one consolidated district, bounded by the boundaries of United School Districts Nos. 77 and 99, in New Castle County, as they were before it was divided hereby into three districts, and the same shall be consolidated and incorporated under the name and style of "The Board of Public Education of Marshallton," and shall be governed by a board of education consisting of three members, as follows: George M. Bennett, David Bowen and Harry Allison, who shall serve until their successors shall have been elected as by law provided; and, that under the name and style aforesaid, the said board shall be a body corporate and shall have full power and authority to establish and modify, from time to time, a system of education for the children of school age within the above named consolidated districts; to make rules for their own government and the government of the scholars and teachers under their superintendence; to adopt a corporate seal; to elect, as soon after the passage of this act

Districts
Nos 77, 99,
and 99½
consolidated

Corporate
name.

Members of
Board

Powers and
duties of
Board.

Organiza-
tion of
Board.

OF FREE SCHOOLS.

Secretary
and Treas-
urer shall
give bond.

Power of
Board to fill
vacancies
until school
election.

Members to
be elected at
next school
election.

Vacancies,
how filled.

Board shall
organize
annually.

Tax payers
shall deter-
mine
amount of
tax levy.

Powers of
Board to col-
lect taxes
and draw
dividends

Powers of
Board with
relation to
school prop-
erty

May borrow
money not
exceeding
\$500

as practicable, one of their own members as president, and one as secretary and treasurer of the board. The secretary and treasurer shall give bond for the faithful performance of his office in such amount as the board may deem sufficient. The board shall also have power at any time to fill such vacancies as may occur until the regular time for holding school elections in this State.

SECTION 3. The first election under this act shall be held on the day for holding general school elections in this State for 1893, at which time one person shall be elected to serve for the term of one year, one person to serve for the term of two years, and one person to serve for the term of three years as members of the board of education aforesaid, and all vacancies caused by expiration of the term of office or otherwise shall be filled at the annual school election to be held hereafter according to the laws of the State of Delaware; and on the Monday following each annual election the board of education shall meet and organize, as provided by Section 2 of this act.

SECTION 4. That the taxpayers shall determine at each annual election the amount of taxes, provided it is not inconsistent with the school laws of the State, which will be necessary to be levied, in addition to the three dividends provided by this act, for the maintenance of schools in said consolidated school districts; and that the board of education shall have all the powers conferred upon the commissioners of other districts for the collection of taxes, and shall have the right to draw the three dividends due from the State as drawn by other districts consolidated in like manner.

SECTION 5. That for the purpose of providing more and better school accommodations, it shall and may be lawful for the board of public education of Marshallton to dispose of the old schoolhouse of the said united school district, at either public or private sale, to buy or build a schoolhouse, or to repair or build to the schoolhouse already built; and for the payment of the same the board of public education of Marshallton is hereby further authorized and empowered to borrow any sum of money which in their discretion may be needed, provided the whole amount borrowed shall not exceed the sum of three thousand five hundred dollars.

SECTION 6. That for the purpose of securing to the loaner or loaners the payment of the moneys so to be borrowed

OF FREE SCHOOLS.

under the provisions of this act, with interest thereon, "The Board of Public Education of Marshallton" is hereby further authorized and empowered to make, execute and deliver to the said loaners the bond or bonds of the said the board of public education of Marshallton, and also a mortgage or mortgages upon any or all of the real estate owned by the said United School Districts Nos. 77 and 99 and 91½ at the time of the execution thereof, which bond or bonds, mortgage or mortgages shall be signed by the president of the board of education, be sealed with its corporate seal, and attested by the secretary thereof, and shall provide the right to issue *scire facias* on thirty days default of payment of any principal or interest. The said bond or bonds shall be with warrant of attorney for the confession of judgment, and shall be made due and payable at the rate of two hundred dollars per annum, and shall bear interest at a rate not exceeding six per centum per annum.

Board of education may execute bonds and mortgages.

How executed.

Form of bond. Yearly payment. Rate of interest.

SECTION 7. That for the purpose of raising the funds necessary to pay the money authorized to be borrowed under this act, with the interest thereon and the expenses of procuring this act, the said "The Board of Public Education of Marshallton" is hereby further authorized and empowered to assess, raise and collect, as now provided by law, within the said United School Districts Nos. 77, 99 and 99½, in addition to the amount authorized to be raised by the voters at any school election, and, in addition to the three dividends received from the State as aforesaid, such further sum or sums of money as shall be necessary and sufficient to meet the interest on the money authorized to be borrowed under this act and to pay the principal as the same shall mature.

Further powers of board to levy taxes to meet deficiencies.

SECTION 8. That this act shall be deemed and taken to be a public act and shall be perpetual, and all laws of this State applicable to free schools and not inconsistent or in conflict with the provisions of this act shall be applicable to the said consolidated districts.

School laws of this State to apply to districts herein consolidated.

Passed at Dover, May 3, 1893.

OF FREE SCHOOLS.

CHAPTER 617.

OF FREE SCHOOLS.

AN ACT to extend the lines of the Consolidated School Districts 28 and 121 in Baltimore Hundred, Sussex County.

Be it enacted by the Senate and House of Representatives [of the State of Delaware] in General Assembly met:

Lines of
Districts 28
and 121 Sus-
sex county,
extended to
include
house and
lot of John
E. Holloway

SECTION 1. That the lines of the Consolidated School Districts 28 and 121, in Baltimore hundred, Sussex county, be and the same are hereby extended to take in the house and lot of John E. Holloway, situated on the east side of the Assawamun Canal, and on the road leading from Ocean View to Cedar Neck.

Said house
and lot to
form a part
of districts
28 and 121.

SECTION 2. That from and after the passage of this act the aforesaid house and lot shall be and form a part of School Districts 28 and 121, and shall be assessed for school purposes in said districts.

SECTION 3. This act shall be deemed and taken to be a public act.

Passed at Dover, February 16, 1893.

OF FREE SCHOOLS.

CHAPTER 618.

OF FREE SCHOOLS.

AN ACT to change the number of School District 121, in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That on and after the passage of this act, School District 121, in Baltimore hundred, Sussex county, shall be known as School District 121½, and shall be entitled to such dividends from the school funds as are annually allotted to school districts in Sussex county.

District 121
hereafter to
be known as
District
121½.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, February 22, 1893.

CHAPTER 619.

OF FREE SCHOOLS.

AN ACT to authorize United School Districts Numbers 99 and 77, in New Castle County, to borrow money, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the school committee of United School Districts Numbers 99 and 77, in New Castle County, or their successors in office, be and they are hereby directed, authorized and empowered to dispose of the old schoolhouse of the said united school districts, at either public or private sale, and to erect and build, or cause to be erected and built, in the place thereof and on the same lot of land and premises, a suitable new school building, and properly to fit and furnish the same for the use of the said united school

School committee authorized to sell old schoolhouse and to build a new one.

OF FREE SCHOOLS.

Cost not to exceed \$3,500 in addition to price of old house.

School committee authorized to borrow \$3,500.

districts, at a cost not to exceed the sum of three thousand and five hundred dollars in addition to the moneys that may be derived from the sale of the said old schoolhouse.

SECTION 2. That the said school committee is hereby further authorized and empowered to borrow any sum of money, not exceeding three thousand and five hundred dollars, for the purpose of carrying into execution the provisions of Section one of this act; and are hereby further authorized to borrow the same at one time, or at different times, in different sums, of one or more individuals, provided that in the whole they shall not borrow more than three thousand and five hundred dollars for the purpose aforesaid.

School committee may execute bonds and mortgages.

Bonds and mortgages, how executed.

Debt to be paid in installments. Rate of interest.

Conditions of obligations.

SECTION 3. That for the purpose of securing to the loaner or loaners the payment of the money so to be borrowed under the provisions of this act, with interest thereon, the said school committee is hereby authorized and empowered to make and execute and deliver to the loaner or loaners, the bond or bonds, with warrant or warrants of attorney annexed for the confession of judgment or judgments thereon of said district, and also a mortgage or mortgages upon any or all real estate owned by the said United School District at the time of the execution thereof, which bond or bonds, or mortgage or mortgages, shall be signed by the school committee, and shall be sealed by the seal of the said United School District hereinafter provided for. Such bond or bonds, or mortgage or mortgages, shall be made to become due and payable in fifteen equal annual installments, with the accrued interest on the whole sum unpaid, and shall bear interest at any rate not exceeding six per centum per annum; and further, the said school committee shall have power to contract, in the said bond or bonds and mortgage or mortgages, with the obligee or obligees, and mortgagee or mortgagees, that if default shall be made in the payment of any annual installment of principal or interest at the time appointed for payment of the same, and if such default shall continue for the space of sixty days, that then and in that event the whole principal debt which shall then be unpaid, together with all arrears of interest, shall thereupon, at the option of the obligee or obligees and mortgagee or mortgagees and their executors, administrators and assigns, become due, payable and collectible immediately and without further stay.

SECTION 4. That for the purpose of raising the funds necessary to pay the money authorized to be borrowed by

OF FREE SCHOOLS.

this act with its interest, according to the conditions in the said bond or bonds and mortgage or mortgages, the said school committee of said school district is hereby authorized, empowered and required to levy, raise and collect in each year, as now provided by law, in addition to the amount required to be raised for general school purposes, such sum as shall be necessary to pay each annual installment of the amount which shall be borrowed under this act with the accrued interest on the whole sum unpaid.

Power of
committee
to levy tax.

SECTION 5. That to enable the said school committee to properly execute any bond or bonds and mortgage or mortgages contemplated by this act, the said committee is hereby authorized and required to procure a common seal with the device "United School Districts Nos. 99 and 77, in New Castle County, Del." thereon marked or engraved, which seal shall be affixed to every bond and mortgage at the time they are executed, and every mortgage shall be duly acknowledged before a notary public in the same manner as mortgages are usually acknowledged.

Committee
authorized
to procure a
seal.

Mortgages
to be ac-
knowledged
before a
Notary
Public.

SECTION 6. That the proceeds of the sale of the old schoolhouse now belonging to the said districts shall be applied to the payment of the cost of erecting said new schoolhouse, or to the payment of the money borrowed under this act.

Proceeds of
sale of old
building,
how applied

SECTION 7. That the faith of the said school districts, and the annual dividends from the school fund belonging thereto, are hereby pledged for the faithful payment of the principal and interest of said bond or bonds, and mortgage or mortgages, authorized by this act; and the said committee is hereby authorized to pay the expenses of procuring this act out of any moneys which may be in their hands.

Faith of dis-
tricts pledg-
ed to pay
debts.

Cost of pro-
curing act,
how paid.

SECTION 8. That this act shall be deemed and taken to be a public act, and shall be published as such among the laws of this State.

Passed at Dover, February 23, 1893.

OF FREE SCHOOLS.

CHAPTER 627.

OF FREE SCHOOLS.

AN ACT to authorize School District Nos. 21 and 97 to borrow money for the purpose of erecting a New Schoolhouse in said district.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

<p>School committee of Districts Nos. 21 and 97, New Castle county, authorized to borrow \$8,000</p> <p>May issue bonds.</p> <p>Rate of interest.</p> <p>When payable.</p> <p>Bonds to be under corporate seal.</p> <p>Committee may execute mortgages.</p> <p>How executed</p> <p>Mortgage a lien on school property.</p> <p>Powers of committee to assess and collect taxes</p>	<p>SECTION 1. That the school committee of United School District Nos. 21 and 97, in New Castle County, be and they are hereby authorized and empowered to borrow, at their discretion, a sum of money not to exceed eight thousand dollars for the purpose of erecting a new schoolhouse in said united district, and it shall and may be lawful for said school committee to borrow the same or any part thereof, in whole or in such sums as the committee may determine, and to issue bonds therefor for such sum or sums so borrowed to an amount not exceeding in the whole the said sum of eight thousand dollars, bearing interest at a rate not exceeding six per cent. per annum, and payable at such time or times as the committee may judge proper, which said bonds shall be under the hands of the said committee and be sealed with the corporate seal of the said United School District Nos. 21 and 97; and for this purpose the committee of said district is authorized and directed to procure a seal; and further, to secure the payment of said bonds the said committee shall have power to execute a mortgage on any real estate owned by said United School District Nos. 21 and 97, which said mortgage shall be executed in like manner and with the same formalities of the said bonds, and shall be acknowledged by the said committee as the mortgage of United School District Nos. 21 and 97, and when so executed and acknowledged and lodged in the recorder's office for New Castle county for record it shall be a lien on the property thereby conveyed in mortgage; and the said committee shall have power to assess and collect within said united district from time to time the money necessary to pay said bonds with interest thereon in the same mode as school taxes are assessed and collected.</p>
---	---

Passed at Dover, March 16, 1893.

OF FREE SCHOOLS.

CHAPTER 621.

OF FREE SCHOOLS.

A Supplement to the act entitled "An act uniting the School Districts of Seaford," passed at Dover, March 17, 1875.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring):

SECTION 1. That the board of commissioners of the Seaford Public Schools be and the same are hereby vested with full power and authority to issue and sell, for the purpose of carrying into effect the provisions of this act, their bonds to an amount not exceeding in the aggregate the sum of five thousand dollars and of the denominations of one hundred, two hundred, three hundred, and five hundred dollars, respectively, and in such proportions as to each of those denominations as shall have been determined by said board of commissioners; which said bonds shall be dated on the first day of March, A. D. 1893, and numbered consecutively, commencing with number one, and shall bear interest from and after that date at such rate as the said board of commissioners shall determine, not exceeding six per centum per annum, payable annually on the first day of January in each year, while they remain unpaid, at the office of the treasurer of said board of commissioners, on presentation of the coupon representing said annual interest, each annual installment of interest being represented by coupons attached to said bonds; and said bonds shall be payable at the office of the treasurer of said board of commissioners on the first day of January, A. D. 1913, but may be redeemed at the option of the said board of commissioners at any time after the first day of January, A. D. 1894; *provided however* that no more of such bonds than shall amount in the aggregate at par value to the sum of \$800.00 shall be redeemed by said board in any one year; *and provided further, however*, that if the said board of commissioners elect to redeem any of the said bonds according to their tenor, such redemption shall be effected on the first day of January, and in pursuance of notice, signed by the president of said board of commissioners and also the secretary and treasurer of said board, published in four consecutive issues of one or more newspapers

Board of Commissioners may issue bonds for \$5,000.

Denominations of bonds.

Date and number of bonds.

Interest payable annually, on presentation of coupons.

Bonds payable January, 1913, unless sooner redeemed by Board of Commissioners.

Not more than \$800 to be redeemed yearly.

Redemption of bonds to be on first day of January, and in pursuance of notice.

OF FREE SCHOOLS.

CHAPTER 625.

OF FREE SCHOOLS.

AN ACT to authorize School District Nos. 21 and 97 to borrow money for the purpose of erecting a New Schoolhouse in said district.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

<p>School committee of Districts Nos. 21 and 97, New Castle county, authorized to borrow \$8,000.</p> <p>May issue bonds.</p> <p>Rate of interest.</p> <p>When payable.</p> <p>Bonds to be under corporate seal.</p> <p>Committee may execute mortgages.</p> <p>How executed</p> <p>Mortgage a lien on school property.</p> <p>Powers of committee to assess and collect taxes</p>	<p>SECTION I. That the school committee of United School District Nos. 21 and 97, in New Castle County, be and they are hereby authorized and empowered to borrow, at their discretion, a sum of money not to exceed eight thousand dollars for the purpose of erecting a new schoolhouse in said united district, and it shall and may be lawful for said school committee to borrow the same or any part thereof, in whole or in such sums as the committee may determine, and to issue bonds therefor for such sum or sums so borrowed to an amount not exceeding in the whole the said sum of eight thousand dollars, bearing interest at a rate not exceeding six per cent. per annum, and payable at such time or times as the committee may judge proper, which said bonds shall be under the hands of the said committee and be sealed with the corporate seal of the said United School District Nos. 21 and 97; and for this purpose the committee of said district is authorized and directed to procure a seal; and further, to secure the payment of said bonds the said committee shall have power to execute a mortgage on any real estate owned by said United School District Nos. 21 and 97, which said mortgage shall be executed in like manner and with the same formalities of the said bonds, and shall be acknowledged by the said committee as the mortgage of United School District Nos. 21 and 97, and when so executed and acknowledged and lodged in the recorder's office for New Castle county for record it shall be a lien on the property thereby conveyed in mortgage; and the said committee shall have power to assess and collect within said united district from time to time the money necessary to pay said bonds with interest thereon in the same mode as school taxes are assessed and collected.</p>
--	---

Passed at Dover, March 16, 1893.

OF FREE SCHOOLS.

CHAPTER 621.

OF FREE SCHOOLS.

A Supplement to the act entitled "An act uniting the School Districts of Seaford," passed at Dover, March 17, 1875.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring):

SECTION 1. That the board of commissioners of the Seaford Public Schools be and the same are hereby vested with full power and authority to issue and sell, for the purpose of carrying into effect the provisions of this act, their bonds to an amount not exceeding in the aggregate the sum of five thousand dollars and of the denominations of one hundred, two hundred, three hundred, and five hundred dollars, respectively, and in such proportions as to each of those denominations as shall have been determined by said board of commissioners; which said bonds shall be dated on the first day of March, A. D. 1893, and numbered consecutively, commencing with number one, and shall bear interest from and after that date at such rate as the said board of commissioners shall determine, not exceeding six per centum per annum, payable annually on the first day of January in each year, while they remain unpaid, at the office of the treasurer of said board of commissioners, on presentation of the coupon representing said annual interest, each annual installment of interest being represented by coupons attached to said bonds; and said bonds shall be payable at the office of the treasurer of said board of commissioners on the first day of January, A. D. 1913, but may be redeemed at the option of the said board of commissioners at any time after the first day of January, A. D. 1894; *provided however* that no more of such bonds than shall amount in the aggregate at par value to the sum of \$800.00 shall be redeemed by said board in any one year; *and provided further, however*, that if the said board of commissioners elect to redeem any of the said bonds according to their tenor, such redemption shall be effected on the first day of January, and in pursuance of notice, signed by the president of said board of commissioners and also the secretary and treasurer of said board, published in four consecutive issues of one or more newspapers

Board of Commissioners may issue bonds for \$5,000.

Denominations of bonds.

Date and number of bonds.

Interest payable annually, on presentation of coupons.

Bonds payable January, 1913, unless sooner redeemed by Board of Commissioners.

Not more than \$800 to be redeemed yearly.

Redemption of bonds to be on first day of January, and in pursuance of notice.

OF FREE SCHOOLS.

Notice, how signed, must be published. What notice shall indicate. published in Sussex county, in this State. Such notice shall indicate the bonds called, and in making the calls the said board of commissioners shall call the bonds according to their numbers, beginning at the lowest number.

Powers of Commissioners with relation to sale of bonds. SECTION 2. That the said board of commissioners shall direct and effect the preparation, printing and sale of the bonds authorized by this act, at such time or times, and on such terms and for such sums, not less than their par value, as they may deem expedient, but that all the money, the proceeds of such sale, shall be applied to carrying into effect the provisions of this act; and the said bonds shall be signed by the president of said board of commissioners and also the secretary and treasurer of said board, denominated Seaford School Bonds, and shall be in the following form, to wit:

Form of bonds. United States of America, State of Delaware.
United School Districts Nos. 70, 70½, 102 and 102½, of Seaford,
in the County of Sussex.

No. —.

These presents certify and make known that "The Board of School Commissioners of the Seaford Public Schools" is held and firmly bound unto the bearer in the sum of — dollars, lawful money of the United States of America, which the said board of commissioners binds itself to pay to the bearer on the first day of January, A. D. one thousand nine hundred and thirteen, with interest at the rate of — per centum per annum, payable at the office of the treasurer of said board of commissioners on the first day of January, in each and every year until the principal be paid, upon presentation of the coupons hereto annexed representing such annual installment of interest; *provided, however*, and it is expressly stipulated that the said board of commissioners reserves to itself the power, at its option, to call in and redeem this bond on the first day of January, A. D. one thousand eight hundred and ninety-four, pursuant to the notice provided for by the act of Assembly, in accordance with the provisions of which this bond is issued; *and provided further*, that when this bond shall be called in by the notice aforesaid, interest thereon shall cease to accrue from and after the first day of January next succeeding the date of such notice.

Dated at Seaford, the 1st day of March, A. D. 1893.

OF FREE SCHOOLS.

Witness the seal of the said board of commissioners and the hands of the president, and also the secretary and treasurer of said board.

(Corporation Seal).

_____	_____	Pres. of Board.	How signed and sealed.
_____	_____	Secretary.	
_____	_____	Treasurer.	

As the said interest coupons and the said bonds are paid the same shall be cancelled in such manner as the said board of commissioners shall direct.

Interest
coupons
how
cancelled.

The bonds issued and sold by the said board of commissioners, in accordance with the provisions of this act, shall be a lien upon all real property situated and lying in said united school districts.

Bonds shall
be a lien on
school prop-
erty.

SECTION 3. That for the purpose of raising the funds necessary for the redemption of said bonds, and for the payment of the interest thereon, the said board of commissioners of the Seaford Public Schools are hereby further authorized, empowered and directed to assess, raise and collect annually, in the same manner as now provided by law for assessing, raising and collecting the school taxes in said united school districts, such further sums of money as shall in their judgment be necessary and sufficient to meet the interest on said bonds as the same shall accrue and to redeem the said bonds as the same shall be called in by the said board of commissioners according to the provisions of this act.

Powers of
Board of
Commis-
sioners with
respect to
levying and
collecting
tax to pay
bonds and
interest.

The sums assessed, raised and collected under and by virtue of the provisions of this section to be in addition to the sums assessed, raised and collected by the said board for ordinary school purposes; *provided* that the sums levied and assessed under and by virtue of this section shall not exceed the interest of the bonds then outstanding and the par value of the bonds called in for that year by more than twenty per cent. of the aggregate amount of said interest and par value.

Assessment
to be in ad-
dition to as-
sessment for
school pur-
poses.

Limit of ad-
ditional
assessment.

Passed at Dover, Feb. 14, 1893.

OF FREE SCHOOLS.

CHAPTER 622.

OF FREE SCHOOLS.

AN ACT to transfer the farm of Edward Woodward from United School Districts Nos. 77 and 99, New Castle County, to School District No. 20, same county.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Farm of Edward Woodward transferred from Districts 77 and 99, to Dist. No. 20. SECTION 1. That the farm of Edward Woodward, now situated in School Districts Nos. 77 and 99, in New Castle county, be and the same is hereby transferred from said Districts Nos. 77 and 99, and shall hereafter constitute a part of School District No. 20, in said county.

Said farm shall be assessed in Dist. No. 20. SECTION 2. That from and after the passage of this act the aforesaid farm shall be assessed for school purposes in said School District No. 20 of New Castle county.

Passed at Dover, February 14, 1893.

CHAPTER 623.

OF FREE SCHOOLS

AN ACT to transfer certain lands of Henry A. DuPont from School District No. 26 to School District No. 24, in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Lands of Henry A. DuPont transferred to District No. 24. SECTION 1. That all those certain lands of Henry A. DuPont lying westerly of the Wilmington and Northern Railroad and situate and being in School District No. 26, in New Castle county, be and the same are hereby transferred and shall hereafter constitute a part of School District No. 24, in said county.

OF FREE SCHOOLS.

SECTION 2. That from and after the passage of this act the aforesaid lands shall be assessed for school purposes in School District No. 24, in New Castle county, and are hereby relieved and discharged from the same in School District No. 26, in said county.

Said lands
discharged
from taxa-
tion in Dist.
No. 26.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, March 23, 1893.

CHAPTER 624.

OF FREE SCHOOLS.

AN ACT to transfer the lands of Michael Gahagen from School District No. 91 to School District No. 29, in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That all those certain lands of Michael Gahagen, situated and being in School District No. 91, in New Castle County, be and the same are hereby transferred and shall hereafter constitute a part of School District No. 29 in said county.

Lands of
Michael
Gahagen
transferred
from Dist.
91 to Dist
29.

SECTION 2. That from and after the passage of this act the aforesaid lands shall be assessed for school purposes in School District No. 29 in New Castle County, and are hereby relieved and discharged from the same in School District No. 91 in said county.

Said lands
shall be
assessed in
Dist. 29.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 17, 1893.

OF FREE SCHOOLS.

CHAPTER 625.

OF FREE SCHOOLS.

AN ACT to transfer the property known as the property of the Cooch Brothers from School District No. 103 to District No. 54, in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Property of
Cooch
Brothers
transferred
from Dist.
No. 103 to
Dist. No. 54

SECTION 1. That all that property known as the property of the Cooch Brothers, lying on the south of the Elkton and Christiana Turnpike, and now situated in School District No. 103, in Pencader hundred, New Castle county, be and the same is hereby transferred and set over to School District No. 54, to be and remain a part thereof.

Passed at Dover, April 21, 1893.

CHAPTER 626.

OF FREE SCHOOLS.

AN ACT to transfer George T. Johnson from School District No. 131 to School District No. 121½, in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Farm of
Geo T.
Johnson
transferred
from Dist.
No. 131 to
Dist. No.
121½.

SECTION 1. That the house and farm of George T. Johnson, now situated in School District No. 131, in Sussex county, be and the same is hereby transferred to and the same shall hereafter constitute a part of School District No. 121½, in said county.

Shall be
assessed in
Dist No.
121½

SECTION 2. That from and after the passage of this act the aforesaid house and farm shall be assessed for school purposes in said School District 121½, in Sussex county.

Passed at Dover, April 5, 1893.

OF FREE SCHOOLS.

CHAPTER 627.

OF FREE SCHOOLS.

AN ACT to transfer the home farm of Mary J. Lingo from School District No. 45 to United School Districts Nos. 44 and 150, and also to transfer a certain tenant farm from United Districts Nos. 44 and 150 to District No. 45.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That all that home farm of Mary J. Lingo where she now resides, lying and being in School District No. 45, Sussex County, be and the same is hereby transferred to and shall hereafter be and form a part of United School Districts Nos. 44 and 150, Sussex County.

Home farm of Mary J. Lingo transferred from Dist. No. 45 to Dists. Nos. 44 and 150, Sussex county.

SECTION 2. That the tenant farm of Mary J. Lingo now situated and lying in United School Districts Nos. 44 and 150, Sussex County, be and the same is hereby transferred to, and shall hereafter be and form a part of School District Number 45, Sussex County.

Tenant farm of Mary J. Lingo transferred from Dists. Nos. 44 and 150, to Dist. No. 45, Sussex county.

SECTION 3. That from and after the passage of this act, all of the aforesaid lands and premises shall be assessed for school purposes in the respective districts to which the same have been transferred, and are hereby released and discharged from the same in the respective districts from which they have been transferred.

Farms to be assessed in districts to which they are hereby transferred.

SECTION 4. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 5, 1893.

OF FREE SCHOOLS.

CHAPTER 628.

OF FREE SCHOOLS.

AN ACT to extend the limits of United School Districts Nos. 97, 97½, 135 and 135½, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Limits of
Dists. 97,
97½, 135 and
135½ ex-
tended to in-
clude prop-
erty of Ebe
Chandler.

SECTION 1. That the northwestern lines and limits of United School Districts Nos. 97, 97½, 135 and 135½, Sussex county, be and the same are hereby extended to take in and include the dwelling house, lot and farm and all buildings thereon belonging to and owned by Capt. Ebe Chandler.

Privileges
extended to
Ebe Chand-
ler's lands.

SECTION 2. That from and after the passage of this act all the lands and buildings thereon belonging to and owned by Capt. Ebe Chandler shall be and remain a part of United School Districts Nos. 97, 97½, 135 and 135½, and shall enjoy all the privileges and be subject to school tax as other property within the said districts. This act shall be deemed and taken to be a public act.

Passed at Dover, April 5, 1893.

CHAPTER 629.

OF FREE SCHOOLS.

AN ACT to transfer the farm of Benjamin F. B. Woodall from Consolidated School Districts Nos. 2, 100, 103 and 104, to School District No. 85 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Lands of B.
F. B. Wood-
all transfer-
red to Dist
No. 85.

SECTION 1. That the houses and lands of Benjamin F. B. Woodall, now in the limits of Consolidated School Districts Nos. 2, 100, 103 and 104, in Sussex County, be and the same are hereby transferred to and shall hereafter form a part

OF FREE SCHOOLS.

of School District No. 85, in Sussex County aforesaid, and the said Benjamin F. B. Woodall and every other person or persons residing on the said lands, or who may hereafter reside thereon, shall enjoy all the advantages and privileges and shall be subject to all the duties and liabilities of tax-ables of said School District No. 85 in Sussex County, and they are hereby relieved and discharged from the same in Consolidated School Districts Nos. 2, 100, 103 and 104 in Sussex County.

Shall be
taxed in
Dist. No. 85.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 18, 1893.

CHAPTER 630.

OF FREE SCHOOLS.

AN ACT transferring lands of George W. McGee, situated in School District No. 40, in Sussex County, from said School District No. 40 to School District No. 43 in said county.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That that part of the farm now belonging to George W. McGee, situated in School District No. 40, in Sussex County, shall hereafter be and form a part of School District No. 43, in Sussex County, aforesaid, and that the said George W. McGee, and the person or persons hereafter owning said land, shall be subject to all the duties and liabilities of taxables of said School District No. 43, and further, that they are hereby relieved and discharged from the same in said School District No. 40, in Sussex County aforesaid.

That part of
G. W.
McGee's
farm, situate
in Dist. 40,
transferred
to Dist. 43,
Sussex
county.

This act shall be deemed and taken to be a public act.

Passed at Dover, April 18, 1893.

OF FREE SCHOOLS.

CHAPTER 63I.

OF FREE SCHOOLS.

AN ACT to transfer the farm of George H. Hall from Consolidated School Districts Nos. 2, 100, 103 and 104 to School District No. 85, in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Lands of
Geo H Hall
transferred
to District
No. 85.

Discharged
from taxa-
tion in Dists
Nos. 2, 100,
103 and 104,
Sussex
county.

SECTION 1. That the houses and lands of George H. Hall, now in the limits of Consolidated School Districts Nos. 2, 100, 103 and 104, in Sussex county, be and the same are hereby transferred to and shall hereafter form a part of School District No. 85, in Sussex county aforesaid; and the said George H. Hall and all and every other person or persons residing on the said lands, or who may hereafter reside thereon, shall enjoy all the advantages and privileges and shall be subject to all the duties and liabilities of taxables of said School District No. 85, in Sussex county, and they are hereby relieved and discharged from the same in Consolidated School Districts Nos. 2, 100, 103 and 104, in Sussex county.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 18, 1893.

OF FREE SCHOOLS.

CHAPTER 632.

OF FREE SCHOOLS.

AN ACT transferring the farms now belonging to Ahasuerus Tindal, and situate in School District No. 56 in Sussex County, from said District No. 56 to School District No. 154 in said county.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the farms belonging to Ahasuerus Tindal, situate in School District No. 56, Sussex County, shall hereafter be and form a part of School District No. 154, in Sussex County aforesaid; and all and every the persons residing on the said land and farms herein mentioned, and all persons who may hereafter reside thereon, shall enjoy all the advantages and privileges, and that the said Ahasuerus Tindal, and the person or persons hereafter owning said land and farms, or living on the same, shall be subject to all the duties and liabilities of taxables of said School District No. 154; and further, that they are hereby relieved and discharged from the same in said District No. 56 in Sussex County aforesaid.

Lands of
Ahasuerus
Tindal,
transferred
to District
No. 154.

Discharged
from taxation in Dist.
56, Sussex
county.

SECTION 2. This act shall be deemed and taken to be a public act.

Passed at Dover, May 4, 1893.

OF DELAWARE COLLEGE.

CHAPTER 633.

OF FREE SCHOOLS.

AN ACT to transfer the farm of William H. Truitt from School District No. 185, in Sussex County, to School District No. 41, in said county.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Lands of
Wm. H.
Truitt, situate in part
in Dist. No. 185, transferred to
Dist. No. 41, Sussex county, and discharged from taxation in Dist. No. 185.

SECTION 1. That the farm situate and being in part in School District No. 185, Sussex County, Delaware, adjoining lands of Aaron K. Gordy, William A. Phillips, William Dashall and others, containing three hundred acres, more or less, belonging to William H. Truitt of said county, shall hereafter be and form a part of School District No. 41 in said county, and the persons residing or hereafter to reside on said lands shall enjoy all the advantages and privileges and be subject to all the duties and liabilities of taxables of said School District No. 41, in said county, and are hereby relieved and discharged from the same in School District No. 185 of said county.

SECTION 2. This act shall be deemed and taken as a private act and not a public act.

Passed at Dover, May 4, 1893.

CHAPTER 634.

OF DELAWARE COLLEGE.

AN ACT to more fully effect the Endowment and Support of Colleges for the benefit of Agriculture and Mechanic Arts.

Preamble.

WHEREAS the sum of twenty-five thousand dollars appropriated by the General Assembly of this State by act of April 30, 1891, for the more complete endowment and support of colleges for the benefit of agriculture and mechanic arts, has been found insufficient for the erection, alteration and equipment of the buildings necessary to effect the purpose of said act; now therefore

OF STATE COLLEGE FOR COLORED STUDENTS.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the further sum of six thousand dollars is hereby appropriated for the erection, alteration and equipment of such necessary buildings on the grounds of Delaware College at Newark in this State, to be paid by the State Treasurer to the trustees of said college out of the school fund, as follows: one-half on the first day of July, A. D. 1893, and the other half on the first day of July, A. D. 1894.

Six thousand dollars appropriated to Delaware College for building purposes.. How paid.

Passed at Dover, April 26, 1893.

CHAPTER 635.

OF STATE COLLEGE FOR COLORED STUDENTS.

AN ACT to amend an act entitled "An act to Establish and Maintain a College for the Education of Colored Students in Agriculture and Mechanic Arts," passed at Dover, May 15, 1891.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

SECTION 1. That the word "Delaware" in the fifth line of Section 1 be stricken out and in lieu thereof insert the word "State." That the word "Delaware" in the third line of Section 2 be stricken out and in lieu thereof insert the words "the State." That the word "five" in the seventh line of Section 4 be stricken out and in lieu thereof insert the word "four."

Change of name to "State College for Colored Students." Four members of Board of Trustees shall constitute a quorum.

Passed at Dover, January 25, 1893.

OF THE WILMINGTON CONFERENCE ACADEMY.

CHAPTER 636.

OF THE WILMINGTON CONFERENCE ACADEMY.

AN ACT to re-enact the act entitled "An act to incorporate the Wilmington Conference Academy," passed at Dover, February 27, 1873.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Wilmington
Conference
Academy
reincorpor-
ated.

SECTION 1. That the act entitled "An act to incorporate the Wilmington Conference Academy," passed at Dover, February 27, 1873, and the corporation created thereby, with all its present powers, rights, privileges, franchises and immunities, is hereby extended and continued for the term of twenty years from the passage of this act, and that all the provisions of the said act entitled "An act to incorporate the Wilmington Conference Academy," passed at Dover, February 27, 1873, be and the same are hereby reënacted and shall be and remain in full force for twenty years.

SECTION 2. This act shall be deemed and taken to be a public act, and the power to revoke the same is hereby reserved to the Legislature.

Passed at Dover, February 7, 1893.

OF DELAWARE INDUSTRIAL SCHOOL FOR GIRLS.

CHAPTER 637.

OF DELAWARE INDUSTRIAL SCHOOL FOR GIRLS.

AN ACT to incorporate the Delaware Industrial School for Girls.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met: (two-thirds of each branch concurring therein):

SECTION 1. Elizabeth C. Marks, Frances A. Mather, Frances S. Garret, Emma L. Weldin, Emalia P. Warner, Josie B. Fogg, Mary Smithers, Mary B. Donnell, Tillie F. Sudler, Hannah Tunnell, Margaret S. Hilles, Helen Porter, and their successors, be and they are hereby constituted a body politic and corporate by the name of "The Delaware Industrial School for Girls," and by that name shall have perpetual succession, and may sue and be sued, may plead and be impleaded in the courts of this State and elsewhere, may have, use or change a common seal, may receive, hold or convey any estate, real or personal, that may be committed to it, may act as a guardian to the person of any girl who between the ages of twelve and twenty-one years shall be committed to its charge according to law, for the physical mental and moral training of such girl, which guardianship of such girl shall supersede any other guardianship of parents or guardians during the time that such girl is under the charge of this corporation and no longer; and may make such by-laws rules and regulations and appoint such officers and agents as shall be specified in such by-laws, or as may be necessary to carry out the purposes of the corporation.

Names of
incorpora-
tors.

Corporate
name.

Corporate
powers.

SECTION 2. The said corporators shall meet for the first time at the call of three of the corporators to organize this corporation, adopt by-laws and do whatever else may be necessary and proper, provided that said meeting shall take place on or before the first Monday in July, A. D. 1893.

First meet-
ing, how
called.

SECTION 3. A parent or guardian of any girl between the ages of twelve and twenty-one years, or the municipal officers, or any three respectable inhabitants of any city or town where she may be found, may complain in writing to the judge of the municipal court, or to any justice of the peace in the county, alleging that she is leading an idle and

Complaints,
where pre-
ferred.

OF DELAWARE INDUSTRIAL SCHOOL FOR GIRLS.

Time and
place of
hearing.

Commit-
ment, term
of.

vicious life, or has been found in circumstances of manifest danger of falling into habits of vice or immorality, and request that she may be committed to the guardianship of "The Delaware Industrial School," the judge or justice shall appoint a time and place of hearing and order notice thereof to any person entitled to be heard, and at such time and place may examine into the truth of the allegations of said complaint, and if satisfactory evidence thereof is adduced, and it appears that the welfare of such girl requires it, he may, with the assent thereto of the said corporation or their duly authorized agents, order her to be committed to the custody and guardianship of the officers of said school during her minority or for any specified term, unless discharged by process of law.

Corporation
may make
agreements
for payment
of expenses
with parents
or guardian
of girl com-
mitted.

SECTION 4. A parent or guardian upon complaint and hearing as aforesaid and certificate of any judge or justice as aforesaid, that the girl of the age herein limited is a proper subject to be committed to said school, may with the assent thereto of the said corporation, or their duly authorized agents thereof, for a term to be agreed upon by the parent or guardian and the duly authorized agents of said corporation, upon the condition that the parent or guardian shall pay her expenses at a reasonable uniform rate to be fixed by said corporation, and the said corporation shall have power to enforce such agreement.

Judge or
justice may
suspend
hearing of
complaint
made, and
commit de-
fendant to
said school

SECTION 5. On complaint of the judge of the municipal court, any justice of the peace, or judge of any court of competent jurisdiction, that any girl of the age herein limited has been guilty of an offense punishable by fine or imprisonment other than imprisonment for life, such judges or justice may so far examine into the case as to satisfy himself whether she is a suitable subject for commitment of said school; and if he so decides, he may thereupon suspend the case, and with the consent thereto grant corporation or its duly authorized agents order her to be committed to the guardianship of said school for any term that he may deem proper.

Teaching
and instruc-
tion of girls
under
charge of
the school,
scope of

SECTION 6. The officers of said school shall cause the girls under their charge to be instructed in the branches of useful knowledge adapted to their age and capacity, and in household employments, needlework, and such other moves of industry as may be suited to their sex, age, strength and

OF COLORED MISSIONS.

disposition, and as may be best adapted to secure their improvement and future welfare, and in securing homes when necessary. The said corporation shall have regard to the character of those to whom they are entrusted, that they may secure to the girls the benefit of good example, wholesome instruction, improvement in virtue and knowledge and the opportunity to become intelligent, moral and useful members of society.

SECTION 7. On the first Monday in August A. D. 1893, and on the same day in every year thereafter, there shall be paid to the treasurer of said corporation by the Treasurer of the State of Delaware, out of any funds in his hands belonging to the State of Delaware otherwise unappropriated, the sum of one thousand dollars, and the receipt of the treasurer of said corporation shall be a sufficient voucher in the hands of the State Treasurer for any such disbursement. Any failure to pay any such sum of money on the day hereinbefore specified shall not invalidate this provision of law, but such payment shall be lawful if made at any time within ten days thereafter.

State Treasurer shall pay \$1,000 annually to corporation.
Vouchers.
Failure to pay "on the day" not to invalidate provision.

SECTION 8. This act may be amended, altered or repealed at the pleasure of the General Assembly.

Passed at Dover, April 11, 1893.

CHAPTER 638.

OF COLORED MISSIONS.

AN ACT in relation to St. Joseph's Society for Colored Missions of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of the members of each house concurring therein):

SECTION 1. Upon complaint being made to the judge of the municipal court of Wilmington, or to any justice of the peace in New Castle County, that any colored boy, under the

OF INFECTIOUS AND CONTAGIOUS DISEASES.

Abandoned age of twelve years, is an orphan, or has been abandoned by
 colored boys his parents so that he is uncared for, it may be lawful for
 to be given such judge or justice of the peace to have any such boy
 a hearing before Municipal brought before him for examination, and if he shall find
 Judge of from the evidence taken in such examination that such boy
 Wilmington does not receive proper care he may in his discretion commit
 or Justice of such boy to the care and guardianship of "St. Joseph's
 the Peace of Society for Colored Missions of Wilmington," for and during
 New Castle county. the term of his minority. Any such commitment shall
 May be com- have accompanying it a copy of all the evidence taken
 mitted to St. during any such examination, and the judge or justice of
 Joseph's So- the peace so committing any such boy shall file a copy of the
 ciety for col- evidence taken among the records of his court.
 ored mis-
 sions during
 minority.

Copy of evi-
 dence, where
 filed.

Passed at Dover, April 12, 1893.

CHAPTER 639.

OF INFECTIOUS AND CONTAGIOUS DISEASES.

AN ACT for the Eradication of Infectious and Contagious Diseases
among the lower animals.

*Be it enacted by the Senate and House of Representatives
 of the State of Delaware in General Assembly met:*

Governor
 authorized
 to issue
 proclama-
 tion order-
 ing precau-
 tions
 against the
 spread of
 contagious
 diseases.

SECTION 1. That in order to protect the lives and prop-
 erty of citizens of Delaware when threatened by epidemics
 of contagious or infectious diseases among the lower animals,
 authority is hereby vested in the Governor of this State to
 issue his proclamation stating that an infectious or contagious
 disease exists in any county or geographical district of the
 State, and warning all persons to seclude, in the premises
 where they may be at the time, all animals within the quar-
 antined district that are of a kind susceptible to contract the
 disease in question, and ordering all persons to take such
 precautions against the spread of such disease as the nature
 thereof may in his judgment render necessary or expedient.

OF INFECTIOUS AND CONTAGIOUS DISEASES.

SECTION 2. To call upon all sheriffs and deputy sheriffs to carry out and enforce the provisions of such proclamations, orders, and regulations; and it shall be the duty of all sheriffs and deputy sheriffs to obey and observe all orders and instructions which they may receive from the Governor in the premises.

Governor may call upon the Sheriffs and Deputy Sheriffs to carry instructions into effect.

SECTION 3. To employ such and so many medical and veterinary practitioners and such other persons as he may from time to time deem necessary to assist in performing his duties, as set forth in the first section of this act, and to fix their compensation.

May employ veterinary practitioners and fix compensation.

SECTION 4. To order all or any animals coming into the State to be detained at any place or places for the purpose of inspection and examination.

May order animals detained for inspection.

SECTION 5. To prescribe regulations for the destruction of animals affected with infectious or contagious disease, and for the proper disposition of their hides and carcasses, and of all objects which might convey infection or contagion; *provided* that no animal shall be destroyed unless first examined by a medical or veterinary practitioner in the employ of the Governor as aforesaid.

May prescribe regulations for destroying animals and infectious objects. *Provide.*

SECTION 6. To prescribe regulations for the disinfection of all premises, buildings, boats and railway cars, and of all objects from or by which infection or contagion may take place or be conveyed.

May prescribe regulations for disinfection.

SECTION 7. To take such action in regard to exposed carcasses, bones, etc., and to graves of lower animals known to have died from diseases directly communicable in a fatal form to man as he, after consultation with well informed persons, may deem to be expedient.

To take such further action as he may deem expedient.

SECTION 8. To alter and modify, from time to time, as he may deem expedient, the terms of all such proclamations, orders and regulations, and to cancel and withdraw the same at any time.

May alter and modify regulations.

SECTION 9. For the purpose of defraying the expenses involved in carrying out the provisions of this act an annual appropriation, not to exceed five hundred dollars, or so much thereof as occasion may require, is hereby made from the funds of this State.

\$500, or as much of that sum as necessary, appropriated.

Passed at Dover, May 4, 1893.

OF THE PRACTICE OF PHARMACY.

CHAPTER 640.

OF THE PRACTICE OF PHARMACY.

A Supplement to an act entitled "Act to regulate the Practice of Pharmacy in the State of Delaware."

Preamble. WHEREAS the present board of pharmacy are unable to carry into effect the present State law (and being of an importance to the citizens of Delaware with the practice of medicine and the State Board of Health) without some State aid sufficient to pay expenses for the meetings of the said board, therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Practicing physicians keeping drug stores shall have a qualified assistant.

Board of Pharmacy to give notice to persons violating laws.

Penalty for violation of law.

Qualified assistants must be 18 years old.

When law shall take effect. Shall apply to Wilmington only.

SECTION 1. That all physicians keeping drug stores and engaged in the active practice of medicine outside of their drug stores shall have at least one qualified assistant with a certificate of examination from said State Board of Pharmacy unless he (the assistant) be a graduate of pharmacy. It shall be the duty of the State Board of Pharmacy to give notice in writing to any person violating the provisions of this section, and after such notice as aforesaid any person continuing to violate the same shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding the sum of ten dollars (\$10) for each day of such violation with costs.

SECTION 2. All qualified assistants under the general law must be at least eighteen years of age.

SECTION 3. This law shall take effect on and after July 1st, 1893, providing that the provisions of this act shall apply to the city of Wilmington and to no other section of the State.

Passed at Dover, April 12, 1893.

OF THE STATE BOARD OF HEALTH.

CHAPTER 641.

OF THE STATE BOARD OF HEALTH.

AN ACT to further amend an act entitled "An act to establish a State Board of Health for the State of Delaware," passed at Dover, March 13, 1879.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. Amend Section 3 of said act by inserting in the 25th line of said section, between the words "State" and "but" the following: "And if any proprietor, manager, principal, superintendent, officer or physician in charge, shall refuse and neglect to make a report when requested to do so by the said State Board of Health, he, she or they shall, upon conviction thereof before any justice of the peace of the county in which he, she or they shall reside, be fined not less than five dollars nor more than twenty-five dollars, together with costs. And any such justice of the peace shall have full cognizance thereof."

Section 3 of the act amended.
Penalty for person in charge refusing to make report upon request of State Board.

SECTION 2. Amend Section 7 as amended by adding thereto the following: "*Provided* that in the event of an epidemic or pestilential disease occurring in any county, city or village of the State, the Board of Health of the State of Delaware shall forthwith cause all needful sanitary measures and precautions to be taken which the emergency may call for, and which may be consistent with law, and shall be approved by the Governor, said approval to be expressed in writing; and the said board, with the approval of the Governor, is hereby authorized to draw upon the State Treasurer in favor of the board for an additional amount not exceeding one thousand dollars in any one year, to be paid out of any unappropriated money in the treasury, to be applied and expended under the direction of the Governor and the State Board of Health, in carrying out such needful sanitary measures and precautions."

Section 7 amended.
State Board of Health to enforce sanitary measures in certain cases.
Governor shall express his approval in writing.
Board may, with approval of the Governor, draw upon State Treas. for \$1,000.
How money shall be expended

SECTION 3. Further amend by adding to said act as follows:

OF THE STATE BOARD OF HEALTH.

Secretary of
State au-
thorized to
publish the
act as
amended.

"Section 10. That the Secretary of State is hereby authorized and required to publish the act hereby amended with all the amendments thereto in the next publication of the laws of this State.

Passed at Dover, April 11, 1893.

CHAPTER 642.

OF THE STATE BOARD OF HEALTH.

AN ACT to establish a State Board of Health for the State of Delaware, Chapter 21, Volume 16, as amended.

Governor
to appoint
seven phy-
sicians
members of
the State
Board of
Health

SECTION 1. That within thirty days after the passage of this act the Governor shall appoint seven (7) physicians of skill and experience, duly qualified to practice medicine or surgery under the provisions of Chapter 69 of the Seventeenth Volume of the Laws of the State of Delaware, Chapter 35 of Volume Eighteen of the Laws of the State of Delaware, and Chapter 47 of the Revised Code of the State of Delaware as amended in the year eighteen hundred and seventy-four, three of whom shall be residents of New Castle County and two each of Kent and Sussex Counties, who shall constitute a board of health to be called The Board of Health of the State of Delaware. The physicians thus appointed shall be so designated by the Governor that the term of office of one from each county shall expire every two years. Vacancies, however caused, shall be filled by appointment by the Governor.

Term of
office

Place of
meeting for
organiza-
tion.
President
and Secre-
tary chosen
President
chosen an-
nually
Secretary to
continue in
office until
election of a
successor.
Duties and
salary.

SECTION 2. *Be it further enacted,* That within thirty days after their appointment the members of the Board of Health shall meet in Dover, Wilmington, or Georgetown for organization, and shall elect a president who must, and a secretary who may be one of said board, and the successive presidents of the board shall be annually elected by said board from the members thereof. The secretary shall continue in office as such until removed by the election of a successor or by vote of a majority of the board. He shall be executive officer of said board, and shall receive an annual salary to be fixed by the board. The members of the Board

OF THE STATE BOARD OF HEALTH.

of Health shall not receive a salary, but the actual expenses of any member when engaged in the duties of the board shall be allowed and paid. The Board of Health shall meet at least once in every six months, and oftener if necessary, and four members shall constitute a quorum for the transaction of business. The board shall have power to adopt rules and by-laws for their government, subject to the provisions of this act.

Members of the Board to receive no salary.

Meeting of Board.

By-laws.

SECTION 3. That said board shall take cognizance of the interests of health and life among the people of this State ; shall encourage the establishment of local boards of health ; they shall make inquiries in respect to the causes of disease, especially of epidemics, and investigate the sources of mortality and the effects of localities, employments, and other conditions upon public health ; they shall obtain, collect and preserve such information relating to health, diseases and deaths as may be useful in the discharge of their duties and shall contribute to the promotion of health and the security of life in the State of Delaware. And it shall be the duty of all health officers and boards of health in the State to communicate to said State Board of Health copies of their reports and publications, and also all useful sanitary information. And said State Board shall keep a record of their proceedings and acts as a board, and they shall promptly cause all proper information in their possession to be sent to the local health authorities of any village, town or city in the State which may request the same, and shall add thereto such suggestions as the experience of the board may supply. And said State Board of Health are authorized to require reports and information from all public dispensaries, asylums, prisons and schools, and from the managers, principals and officers thereof, and from all other public institutions, their officers and managers, and from the proprietors, managers, lessees, and occupants of all places of public resort in the State ; And if any proprietor, manager, principal, superintendent, officer or physician in charge shall refuse and neglect to make a report when requested to do so by the said State Board of Health, he, she or they shall, upon conviction thereof before any justice of the peace of the county in which he, she or they shall reside, be fined not less than five dollars nor more than twenty-five dollars together with costs. And any such justice of the peace shall have full cognizance thereof. But such reports and information shall only be required concerning matters and

Duties of the Board.

Local Boards of Health.

Duties of Local Boards.

Penalty for person in charge refusing to make report upon request of State Board

OF THE STATE BOARD OF HEALTH.

particulars in respect of which they may need information for the proper discharge of their duties. Said board shall, when requested by public authorities, or when they deem it best, advise officers of the State, county, or local governments in regard to drainage, and the location, drainage, ventilation, and sanitary provisions of any public institution, building, or public place.

Localities
having no
board of
health.

Nuisances,
how abated.

Expenses.

SECTION 4. That said board shall be an advisory board to the authorities of the State in all matters pertaining to public hygiene; they shall have authority to make special inspection of hospitals, prisons, asylums, almshouses and other public institutions, and to investigate by the secretary or committees of the board the cause of any special disease or mortality in any part of the State. And in localities where there are no local boards of health, or where the same shall refuse or neglect to act, the president may direct any member of the board, together with the secretary, to investigate all complaints made in writing, and if the said member shall find a nuisance to exist he shall order the same to be abated in a reasonable time. In such cases the State Board shall have all power and remedies now given by law to local boards; if no person responsible for said nuisance be found, the secretary shall abate the same, and his expenses shall, upon approval by the president, be paid by the treasurer of the county wherein said nuisance existed, and shall, at each regular session of the legislature, submit to it a report of their acts, investigations and discoveries with such suggestions as may be deemed proper.

SECTION 5. That it shall be the duty of said board to have the general supervision of the State system of registration of marriages, births and deaths; said board shall recommend such forms and amendments of laws as shall be necessary for the thorough organization and efficiency of registration of vital statistics throughout the State.

Duties of
Secretary

SECTION 6. That the secretary of said board shall be also the superintendent of registration of vital statistics as supervised by said board, and shall execute the orders of the board, and superintend the work prescribed by this act; he shall obtain from the recorders of the several counties and properly arrange the recorded information respecting vital statistics. He shall prepare blank forms of returns, and such instructions as may be necessary, and shall supply the same to the officers of local boards of health, to physicians and

OF THE STATE BOARD OF HEALTH.

such officials as may be necessary, in order to obtain the information requisite for annual reports, and he shall, under the direction of the board, publish and distribute such information as would be valuable to the citizens of the State on the subject of sanitation.

SECTION 7. That the salary of the secretary shall be paid semi-annually, which, and all other necessary expenses of the State Board of Health, incurred in accordance with the provisions of this act, shall be paid by the Treasurer of the State, out of moneys not otherwise appropriated, upon the order of the president of the board, countersigned by the secretary: *Provided* that all the expenses of the said State Board of Health, including the salary of the secretary, shall not exceed in any one year the sum of one thousand dollars: *Provided* that in the event of an epidemic or pestilential disease occurring in any county, city or village of the State, the Board of Health of the State of Delaware shall forthwith cause all needful sanitary measures and precautions to be taken which the emergency may call for, and which may be consistent with law, and shall be approved by the Governor; said approval to be expressed in writing; and the said board with the approval of the Governor is hereby authorized to draw upon the State Treasurer in favor of the board for an additional amount, not exceeding one thousand dollars in any one year, to be paid out of any unappropriated money in the treasury, to be applied and expended under the direction of the Governor and the State Board of Health in carrying out such needful sanitary measures and precautions.

Payment of Secretary.

State Board of Health to enforce sanitary measures in certain cases.

Governor shall express his approval in writing.

Board may, with approval of the Governor, draw upon State Treas. for \$1,000.

How moneys shall be expended.

SECTION 8. The Secretary of the State Board of Health shall annually, in the month of November, present to the Auditor of Accounts all the books of the financial doings of the board, together with all vouchers for settlement.

Financial transactions to be presented to Auditor of Accounts.

SECTION 9. Any person refusing, failing, or neglecting to perform the duties required of them under the provisions of the act as hereby amended, shall, upon conviction thereof before any justice of the peace of the county in which they shall reside, be fined not less than five nor more than twenty-five dollars, together with costs.

Penalty for neglect of duty under this act.

SECTION 10. That the Secretary of State is hereby authorized and required to publish the act hereby amended with all the amendments thereto in the next publication of the Laws of this State.

Secretary of State authorized to publish act as amended.

TITLE SEVENTH.

Of the Poor; the Insane, Deaf and Dumb, and the Blind.

CHAPTER 643.

OF THE POOR.

AN ACT in relation to the Treasurer of the Poor of Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Office of Treasurer of the Poor of Sussex County abolished.

SECTION 1. That the office of Treasurer of the Poor of Sussex County be and is hereby abolished, and that Chapters 14, 48 and 125 of the Revised Code of this State, and all other acts and amendments thereto relating to the office of Treasurer of the Poor, be and the same are hereby repealed in so far and to the extent only as they relate to the office of the Treasurer of the Poor for Sussex County.

Powers and duties of Treasurer of the Poor aforesaid vested in County Treasurer.

SECTION 2. That all the duties imposed upon, powers vested in and acts required of the Treasurer of the Poor of Sussex County by the laws of this State shall, by this act, be imposed upon, vested in and required of the County Treasurer for Sussex County, as fully and completely as if the same were incorporated and mentioned in this act, excepting only, that the County Treasurer for Sussex County or his successors, in assuming the duties heretofore imposed up the Treasurer of the Poor, shall not be required to give extra or additional bond to secure his fidelity, but the bond of the said County Treasurer shall be and remain the same as now fixed by law. *Provided* that none of the provisions of this act shall go into effect until the expiration of the term of the present Treasurer of the Poor Fund, for which he has been regularly chosen.

County Treasurer not required to give additional bond.

Not to take effect until expiration of term of present Treasurer.

OF THE INSANE.

SECTION 3. That the County Treasurer for Sussex County, in compensation for the additional services by this act imposed, shall receive in addition to his present salary the sum of one hundred dollars per annum.

County
Treasurer to
receive ad-
ditional
compensa-
tion of \$100.

Passed at Dover, April 24, 1893.

CHAPTER 644.

OF THE INSANE

AN ACT in relation to the Admission of Insane Persons to the Delaware State Hospital, at Farnhurst.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. Hereafter no person shall be received as a patient in the Delaware State Hospital, at Farnhurst, unless a certificate shall have been previously filed with the superintendent of said hospital; which certificate shall be made and signed by at least two physicians, residents of this State, who have been actively engaged in the practice of medicine for at least five years theretofore, and who shall be residents of the same state and county as the alleged insane person. Said certificate must state that the physicians have separately examined the person alleged to be insane, and that they have arrived at the conclusion of the insanity of such person from such personal examination and the history of the case; that the disease of the person is of such a character as requires, in their judgment, hospital care and treatment, and that said physicians, or either of them, are in no way related by blood to or connected by marriage with such person, nor in any way connected with said hospital nor with any county almshouse in this State.

Certificate
required to
be filed to
admit
patient to
State Hos-
pital, by
whom
signed.
Physicians
certifying
must be res-
idents of
this State.
Contents of
certificate.

SECTION 2. The certificate provided for in the first section of this act must be made within one week after the examination of the person, as therein provided, and within two weeks of the time of the application for admission of such person to said hospital.

Certificate,
when to be
made.

OF THE DEAF AND DUMB, AND THE BLIND.

Physicians
certifying
shall make
affidavit.

SECTION 3. Said certificate shall be signed by said physicians, who shall also make affidavit to the truth of the facts and statements therein contained; which affidavit may be made before any officer who by the laws of this State is authorized to administer an oath or affirmation.

Certificate
of officer
before whom
affidavit is
made.

SECTION 4. The officer before whom said affidavit is made shall certify to the genuineness of the signatures of said physicians, and also that said physicians have the qualifications as set forth in the first Section of this act.

Order, signed
by Trust-
tee, shall
accompany
certificate

SECTION 5. In all cases under this act, the certificate and other papers must be accompanied by an order of admission, signed by one or more of the trustees of said hospital.

Act not to
apply to
commit-
ments by
Chancellor
or Court.

SECTION 6. This act shall not apply to or be construed to embrace commitments to said hospital made by the Chancellor, or any court of this State, as provided by law.

Inconsistent
acts re-
pealed.

SECTION 7. All acts and parts of acts in any way inconsistent with this act, or any of its provisions, are hereby repealed.

Passed at Dover, April 12, 1893.

CHAPTER 645.

OF THE DEAF AND DUMB, AND THE BLIND.

AN ACT to amend Chapter 58, Volume 15 of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 1,
Chap. 58,
Vol. 15,
amended.

SECTION 1. That Section 1 of Chapter 58, Volume 15, of the Laws of Delaware, be and the same is hereby amended by inserting between the word "institutions," and the word "for," in the sixth line thereof, the words "or to place any such persons with private instructor or instructors in what is known as the oral method".

Private in-
struction
provided for
deaf mutes.

OF THE DEAF AND DUMB, AND THE BLIND.

SECTION 2. That Section 2 of said act be and the same is further amended by inserting between the word "admitted" and the word "accordingly," in the fourth line thereof, the words "or placed."
May be placed with an instructor

SECTION 3. That Section 3 of said act be and the same is further amended by inserting between the word "wherein," and the word "such," in the fourth line thereof, the words "or in favor of such private instructor with whom," and by inserting between the word "institution" and the word "for," in the thirteenth line thereof, the words "or with such private instructor."
Governor may draw warrant in favor of "private instructor."

SECTION 4. That Section 4 of said act be and the same is further amended by inserting between the word "institution," and the word "for," in the third line thereof, the words "or private instructor," and by inserting between the word "readmission" and the word "of," in the seventh line thereof, the words "or continuance."
The Governor may extend time for continuance of pupil's instruction.

SECTION 5. That whenever the parents or guardian of a deaf and dumb beneficiary shall elect to have such beneficiary receive the said oral instruction by private instructor, the superintendent of free schools for the county in which the said beneficiary resides shall see that the amount so appropriated is spent for the specific purpose intended; *Provided however* that the said superintendent shall receive no compensation therefor.
Parents of deaf mutes may elect place of instruction. Superintendent of Free Schools shall have supervision of pupils.

Passed at Dover, April 5, 1893.

TITLE EIGHTH.

Of the General Police.

CHAPTER 646.

OF TAVERNS, ALE HOUSES AND VICTUALING HOUSES.

AN ACT to further amend Chapter 418, Volume 14, Laws of Delaware.

*Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :*Chap. 418,
Vol. 14,
amended.Retailers of
goods, wares
and mer-
chandise,
holding
license to
sell liquors,
may obtain
special
license to
sell quanti-
ties not less
than quart
nor more
than half-
gallon.

License fee.

Inn or Tav-
ern keepers,
alreadylicensed,
may procure
special
license to
sell quanti-
ties less than
one quart to
be drunk
"off the
premises."

License fee.

Clerk of the
Peace au-
thorized to
issue special
licenses;
when to
expire.

SECTION 1. That Chapter four hundred and eighteen, Volume fourteen, Laws of Delaware, be amended by adding to Section eight of said chapter the following: "*But provided further* that any such retailer of goods, wares and merchandise, having obtained the license as provided under this section, may, if he so desires, on application to the Clerk of the Peace of the county in which such license has been obtained, be entitled to receive a further or special license for one year to sell in quantities in like manner not less than one quart and not greater than one-half gallon, and for such special license shall pay to said Clerk of the Peace the sum of twenty-five dollars in addition to the license fees now provided by law". And that Section ten of said chapter be amended by adding thereto the following: "Any person or persons having obtained a license under the provisions of this section may, if he so desires, on application to the Clerk of the Peace of the county in which such license has been obtained, be entitled to receive a further or special license for one year to sell in quantities less than one quart, to be drunk off the premises, and for such special license shall pay to said Clerk of the Peace the sum of twenty-five dollars in addition to the license fees now provided by law."

SECTION 2. That the Clerk of the Peace may issue fractional licenses to applicants under the preceding section, which shall expire simultaneously with their licenses granted by the Court of General Sessions, receiving from such ap-

OF TAVERNS, ALE HOUSES AND VICTUALING HOUSES.

plicants a proper proportionate amount for the time such licenses shall be granted, and all licenses issued under the provisions of this act shall expire and become void upon the expiration of the time during which the holder thereof has been or may be licensed by said court under the provisions of the act to which this is an amendment, and all provisions of law now existing and not directly conflicting herewith shall apply to licenses issued and moneys received by the Clerk of the Peace under the authority of this act.

Shall receive proportionate fee when license is for less than one year.

Existing laws shall apply to licenses issued under this act.

Passed at Dover, April 26, 1893.

CHAPTER 647.

OF TAVERNS, ALE HOUSES AND VICTUALING HOUSES.

AN ACT to amend Chapter 503, Vol. 17, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Chapter 503, Volume 17, Laws of Delaware, be and the same is hereby amended by adding to Section one, after the word "seasons," in the twentieth line thereof, the words "*and provided further* that nothing in this act shall be construed to apply to any new place, or any place, inn or tavern for which no person has had a license within one year from the time of the application for a fractional license, nor to any person whose application for license has been refused by the court."

Chap. 503,
Vol. 17,
amended.

Fractional
licenses, in
what cases
they shall
not be
granted.

Passed at Dover, May 5, 1893.

OF JAILS.

CHAPTER 648.

OF TAVERNS, ALE HOUSES AND VICTUALING HOUSES.

AN ACT to amend the act entitled "A Further Supplement to the act entitled 'An act to Regulate the Sale of Intoxicating Liquors,'" passed at Dover, April 24, 1889, and being Chapter 555, Vol. 18, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Chap 555,
Vol. 18,
amended.

Application
may be
signed by
twelve re-
spectable
citizens
where less
than six res-
ident free-
holders in
school
district.

SECTION 1. That the act entitled "A further supplement to the act entitled 'An act to regulate the sale of intoxicating liquors,'" passed at Dover, April 24, 1889, and being Chapter 555, Vol. 18, Laws of Delaware, be and the same is hereby amended by adding at the end of the third section thereof the following words, viz: "*Provided however* that if any applicant for a license to sell intoxicating liquors shall reside in a school district where there are not six substantial freeholders residing in said district, then, and in that event, his certificate need not be signed by freeholders, but it shall be sufficient if the certificate be signed by twelve respectable citizens, residents of said school district."

Passed at Dover, March 8, 1893.

CHAPTER 649.

OF JAILS

AN ACT in relation to persons wishing Lodging in the County Jails in this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That from and after the passage of this act any vagrant, tramp, or other needy person, wishing food and lodging in either of the county jails of this State, upon appli-

OF JAILS.

cation to one of the commissioners of the county jail in which he seeks such food and lodging and obtaining from the said commissioner an order upon the sheriff of the said county to receive the said person into the said jail, shall thereupon be provided with board and lodging in the said jail. The said jail commissioner to whom said application shall be made shall be the sole judge of the need of the said applicant, and shall grant or refuse an order to the sheriff as in his judgment the particular case shall justify and require.

Destitute
vagrant or
tramp may
be commit-
ted to jail
upon appli-
cation to
jail com-
missioner.
Jail com-
missioner
shall be sole
judge of ap-
plicant's
need.

SECTION 2. That hereafter no vagrant, tramp, or other needy person, shall be committed to any jail in this State by any justice of the peace or other officer having jurisdiction, the object of which commitment is board and lodging for the said vagrant, tramp, or needy person, and any officer so committing shall be guilty of a misdemeanor, and upon conviction thereof upon indictment shall forfeit his office for the residue of his term, and in addition thereto shall forfeit and pay a fine not exceeding two hundred dollars.

Justice of
the Peace
shall not
commit
tramps for
board and
lodging.

Penalty for
violation of
law by such
officer.

SECTION 3. That the Levy Court of each of the counties of this State shall annually appropriate a sum of money, not exceeding twenty-five dollars, to be paid to the jail commissioners of its county for their services under this act in such proportion to each as the said Levy Court shall determine to be equitable.

Compensa-
tion of jail
commission-
ers for ser-
vices under
this act,
how paid.

SECTION 4. When such needy person shall be received into any of the jails of this State the sheriff of the said county shall be entitled to his usual fee for board of prisoners, but to no other fee for commitment or otherwise of said person; *provided* that for the purposes of this act a day's board shall consist of two meals; *and provided further* that no order upon the sheriff of any of the counties of this State as hereinbefore provided shall be for a longer time than one day consecutively.

Sheriff en-
titled to fee
for board
only

Days board
to consist of
two meals.

Order upon
Sheriff to be
for one day
only.

Passed at Dover, May 4, 1893.

OF FISH, OYSTERS AND GAME.

CHAPTER 650.

OF FISH, OYSTERS AND GAME.

AN ACT for the Protection and Increase of Food Fish in Delaware Waters.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Unlawful to fish for shad during shad season within half a mile of mouth of creeks, within certain limits.

Exception as to Joseph Wood and his successors.

Unlawful to fish in either creeks, rivers or bay from Saturday at 12 o'clock M. till midnight of Sunday.

Governor shall appoint fish policeman. Duties of said officer.

Time of service of fish policeman; compensation.

SECTION 1. That from and after the passage of this act it shall be unlawful during the shad season for any person or persons to fish with float seines or other devices for catching shad anywhere along the shore of Delaware bay within a half mile of the mouth of any creek or river within the following named limits, viz: Commencing one mile north of Blackbird Creek on the north, and extending one mile south of Mispillion River on the south, excepting thereout a space of three hundred feet along the shore of the said bay about midway between St. Jones' Creek and Murderkill Creek, where it shall be lawful for Joseph Wood and his successors to the title of the property now owned by him opposite the point above mentioned to fish with stake nets.

SECTION 2. That it shall not be lawful for any person or persons to fish for shad either in the said bay or any of the creeks or rivers emptying into the same, within the limits described in Section 1 hereof, from Saturday, 12 o'clock meridian, until midnight of Sunday. It shall also be unlawful to place or maintain any obstruction in any of said creeks or rivers to prevent the fish ascending the same.

SECTION 3. The season for fishing for shad shall close within the limits named in Section 1 hereof on the tenth day of June of each year.

SECTION 4. The Governor may appoint a policeman, residing in the vicinity of Bowers' Beach, whose duty it shall be to diligently inquire for violations of the provisions of this act, and all other laws relating to fish or oysters, whether within bay, creeks or rivers, and when such are brought to his notice it shall be his duty to immediately prosecute the same, and failing to do so may himself be fined for neglect of duty. His duty for this service shall commence on March twentieth and close on June tenth. He shall receive for his

OF FISH, OYSTERS AND GAME.

services two dollars per day while employed. The fines, if any are collected, may be applied to the salary of the policeman as far as they will go, the balance to be paid from the revenue from oysters. It shall also be the duty of the oyster revenue collector to see that all oyster and fish laws are faithfully and promptly executed, and every violation thereof immediately prosecuted to conviction. The Governor shall also, on the first day of May, A. D. 1893, and annually thereafter, appoint some suitable person, a resident of Bowers', whose duty it shall be to prevent violations of the oyster laws, and to vigilantly, promptly and vigorously prosecute and bring to punishment all persons guilty of any such violations. He shall receive a yearly salary of one hundred dollars to be paid quarterly out of the oyster fund by the collector of oyster revenue.

Fines, how applied.

Duties of oyster revenue collector

Governor shall appoint oyster policeman. Duties of said officer.

Compensation, how paid.

SECTION 5. Any one violating any provision of this act shall be guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a fine of not less than ten dollars, nor more than fifty dollars, or be imprisoned not less than one nor more than three months. And any officer neglecting to discharge the duties herein imposed shall be alike guilty and punished in like manner.

Penalty for violations of provisions of this act.

Neglect of duty by officers, how punished

SECTION 6. Chapter 131, Volume 19, Laws of Delaware, is hereby repealed and this act substituted therefor.

Chap. 131, Vol. 19, repealed.

Passed at Dover, March 21, 1893.

OF FISH, OYSTERS AND GAME.

CHAPTER 651.

OF FISH, OYSTERS AND GAME.

AN ACT in relation to Shad Fishing in Broadkiln River.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Unlawful for
fishers to
make more
than one
haul on
either ebb-
tide or flood
tide for shad
in Broadkiln
river.

Unlawful to
use device
to scare
shad or to
leave seine
across river
exceeding
one hour.

Violations
of this act,
penalty for.

SECTION 1. That from and after the passage of this act it shall be unlawful for any person or persons to make more than one haul on the ebb tide and one haul on the flood tide for the taking of shad in Broadkiln river, or to use the rattler which are made to scare the shad, or to use anything that might be conceived of to drive the shad, and that the seine for taking shad shall not remain across the river longer than one hour on each tide. Any person violating any of the provisions of this section, upon conviction thereof before any justice of the peace of Sussex county, shall be fined not more than thirty dollars and not less than ten dollars, and in default of payment thereof it shall be the duty of the justice of the peace before whom the said offender was convicted to issue an order to any constable of said county to seize and sell his boat and seine for payment of said fine and to commit the said offender to the county jail for a period not exceeding one month, or until the said fine is paid.

Justice of
the Peace
shall issue
warrant
upon affida-
vit made.

SECTION 2. That when an affidavit is filed before said justice charging that a violation of this statute has been committed by any one, and setting forth a description of the boat and seine used by him or them so charged, the said justice shall issue a warrant, directed to any constable of said county, authorizing him to arrest the person or persons therein charged, and also to seize and hold boat and seine until the final order of the justice of the peace in the premises.

Justice of
Peace au-
thorized to
commit
offender to
jail, pending
payment of
fine and
cost.

Seizure and
sale of boat.

SECTION 3. That upon such conviction the said justice of the peace shall have power and authority to commit any one so offending to the jail of Sussex county for the term before stated and remain there until said fine and all costs are paid, and also to issue an order to any constable of said county empowering and directing him to seize and sell said boat and seine used by any one so offending, as provided in

OF FISH, OYSTERS AND GAME.

the first section of this act, on ten days' notice posted in two most public places in Broadkilm hundred, and that such sale shall convey to the purchaser of said boat and seine a good and valid title thereto.

SECTION 4. That the proceeds of said sale, so as aforesaid made by the constable, after deducting the costs, which shall be retained by said officer and paid to the parties entitled, shall be paid over to the Fish Commissioner.

Proceeds of sale of boat, how applied.

SECTION 5. Be it understood that this is to be a public bill.

Passed at Dover, April 20, 1893.



CHAPTER 652.

OF FISH, OYSTERS AND GAME.

AN ACT for the Protection and Preservation of Fish in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. Any person who takes or catches any black bass or trout from any of the waters of New Castle County with a haul seine shall pay a fine of five dollars for each fish so caught, taken or possessed, with costs of prosecution; *provided however* that the catching or taking of black bass or trout with nets other than haul seines shall not be prohibited by this act between the first day of June and the first day of November in each year, nor shall it prohibit the taking or catching of black bass or trout at any time during any year by hook and line.

Unlawful to catch black bass or trout with haul seine in waters of New Castle county. Penalty.

When and how such fish may be legally caught.

SECTION 2. Any person engaged in the artificial culture or maintenance of fish may take fish at any time for stocking ponds and creeks, and for no other purpose, and may grant permits in writing for other persons to capture fish for artificial propagation.

Lawful to take fish for artificial propagation

OF FISH, OYSTERS AND GAME.

Unlawful to take, catch, or have in possession, black bass or trout less than six inches in length.

Penalty for violations of this act.

Possession of such fish prima facie evidence.

SECTION 3. A person who takes or catches from any of the waters of New Castle County, other than by hook and line, any black bass or trout less than six inches in length and does not immediately return the same with the least possible injury to the waters from which they were taken or caught, or has in his possession any black bass or trout, less than six inches in length, caught or taken from any of the waters of New Castle County, shall be fined not more than ten dollars for each fish so caught or taken, caught or possessed; and the possession of any such fish shall be *prima facie* evidence that the same was caught or taken from the waters of New Castle County.

Penalties, how recoverable.

Offender shall be committed to jail in default of payment of fines and cost.

SECTION 4. The penalties provided for in the three preceding sections, and costs of suits of every such offense, shall be recoverable before a justice of the peace by an action of debt in the name of the State of Delaware, as debts are now recoverable by law, one-half to be paid to the Delaware Rod and Reed Association and the other half to the informer; if such fine or costs are not paid as herein provided, then such person or persons shall undergo an imprisonment in the county jail for not more than ten days.

Chap. 561, Vol. 18, repealed.

SECTION 5. That Chapter 561, Vol. 18, Laws of Delaware, is hereby repealed.

Passed at Dover, May 2, 1893.

OF FISH, OYSTERS AND GAME.

CHAPTER 653.

OF FISH, OYSTERS AND GAME.

AN ACT to repeal all Statutes relating to Planting, Propagating, Dredging, Tonging, or taking Oysters from the Natural Beds or Plantations in the Delaware Bay and its Tributaries, and to re-enact the same or parts thereof with amendments.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Sections 1, 2, 3, 4, 5, 6, 7 and 8 of Chapter 55 of the Revised Code of the State of Delaware; Chapters and Sections of Laws repealed. Chapters 10, 13, 14, 19 and 363, Volume 14; Chapters 230 and 452, Volume 11; Chapters 13 and 384, Volume 15; Chapters 20, 311, 390 and 442, Volume 16; Chapters 9, 10, 84, 86 and 420, Volume 17; Chapters 4, 5, 6, 248, 463, 557, 562 and 587, Volume 18; and Chapters 128, 129 and 133, Volume 19, Laws of Delaware, so far as the said acts relate to oysters, and all other laws heretofore enacted and amended (excepting Chapter 135, Volume 19, Laws of Delaware), relating to planting, dredging, tonging or otherwise taking oysters in the Delaware bay or any of the rivers, creeks and ponds of this State, are by this act repealed and supplied.

SECTION 2. That no person, be he resident or non-resident of this State, shall dredge for or take and carry away any oysters now growing or hereafter to grow in the Delaware bay or river unless he shall have first taken out one or the other of the licenses hereinafter provided for, and in case of the violation of this act the offender shall be deemed guilty of larceny and punished accordingly. And in order to promote the execution of this Section, and for that purpose only, the oysters growing or being at any time in the said bay or river, on bottom over three feet deep, at ordinary low water, and not within any plantation, shall be held and taken to be in the custody and may be described in any proceedings for violation of this act as the property of the person who at the time of prosecution may be the collector under the said act; which said person by reason of his said office of collector be the bailee of said oysters, and have the same kind of special property therein as bailees have by law of property in their possession by bailment under contract. Unlawful to take and carry away oysters in the Delaware bay or river without taking out license. Violation of this law is larceny. Collector of Oyster Revenue declared a bailee of oysters on certain bay or river bottom.

OF FISH, OYSTERS AND GAME.

Unlawful to plant oysters within certain limits, except as hereafter provided.

SECTION 3. That from and after the passage of this act it shall be unlawful for any person to lay out or plant oysters within the following limits in Delaware Bay : beginning at the mouth of Mispillion Creek and running in an easterly course to West Flats, thence south to Cape Henlopen, thence a westerly course to the beach, except as hereinafter provided.

Bona fide citizen may appropriate to his own use twenty acres to fifty acres of bay bottom described in Section 3.

SECTION 4. Any person or persons who are *bona fide* citizens of the State of Delaware may, for the purpose of planting oysters and catching the same by means of dredges, tongs or rakes, appropriate to his or their own use a part of the bottom of the bay within the limits defined in Section 3 of this act, which shall not exceed in area more than fifty acres, nor less than twenty-five acres, which part shall be designated by him or them by stakes to show at least two feet above high-water mark and not to be obstructive to navigation or interfere with the rights of fishermen. It shall be the possession of the planter or planters and the oysters to be deposited therein and their increase shall be his or their private property; but before any person shall avail himself of this privilege, he shall apply in writing to the collector of the oyster revenue for a license for that purpose, and shall pay to the said collector the sum of fifty cents per acre for each and every acre to be by him or them staked off for the purpose aforesaid, and also the sum of one dollar per ton (custom house measurement) for the vessel employed in the business of dredging or planting, and shall also pay to the said collector, as the fee or price therefor, for the privilege of dredging or tonging said oysters, five dollars for each and every boat and pair of tongs used in said boat, and the said tongs shall have painted on them a number (corresponding with said boat's number), and no more shall be demanded for the use of said tongs by whomsoever used.

Oyster grounds, how to be designated

Oysters so planted to be the property of the planter. Planter shall apply in writing for a license.

Fees to be paid to Collector.

License valid for one year only.

The said license shall last only one year and must be renewed by the first day of April of each year and the like sum be paid at the time of each renewal.

Taking oysters from the plantation of another deemed larceny

SECTION 5. That if any person or persons shall take or carry away from the plantation of another, so as aforesaid appropriated to his use, any oysters being within the limits thereof, without the consent of the owners thereof, he shall be deemed guilty of larceny and upon conviction thereof be punished accordingly, and it shall be no objection to a

OF FISH, OYSTERS AND GAME.

prosecution for larceny in such a case that the act was done openly.

In addition to the said punishment there shall be imposed a fine of one hundred dollars, one-half to be given to the informer, and the other half to the owner or owners aforesaid. Fines, how applied.

SECTION 6. Any person violating the provisions of Section three of this act shall be deemed guilty of a misdemeanor, and on conviction thereof, before any justice of the peace of Sussex County, shall be fined for each offense the sum of one hundred dollars and shall forfeit all oysters planted by him or them, the vessel used by him or them in the planting of said oysters, and all and everything in and belonging to her; the one-half of said fine shall be paid to the informer and the other half to the collector of oyster revenue. Violation of Section 3 a misdemeanor. Penalty for violation. Shall forfeit vessel.

SECTION 7. That when an affidavit is filed before said justice, charging that a violation of this statute has been committed by any one, and setting forth a description of the boat or vessel used by him or them so charged, the said justice shall issue a warrant directed to any constable of said county, authorizing him to arrest the person or persons therein charged and also to seize and hold said boat or vessel and all and everything in and belonging to her until the final order of the justice of the peace in the premises. Duty of Justice of the Peace.

SECTION 8. That upon such conviction the said justice of the peace shall have the power and authority to commit any one so offending to the jail of Sussex County until said fine and costs are paid, and also to issue an order to any constable of said county empowering and directing him to seize and sell said boat or vessel used by such offender in the planting of oysters in the waters aforesaid, or catching or carrying away the same without the consent of the owner thereof, and all and everything in and belonging to her, on ten days' notice, posted in two of the most public places in each of the hundreds of Cedar Creek, Broadkilln, Lewes and Rehoboth, and that such sale shall convey to the purchaser or purchasers of said boat or vessel and all and everything belonging to her a good and valid title thereto. Justice of the Peace authorized to commit offenders. May order seizure and sale of boat.

SECTION 9. That the proceeds of said sale so as aforesaid made by the constable, after deducting costs which shall be retained by the said officer and paid to the parties entitled, Proceeds of sale of boat, how applied.

OF FISH, OYSTERS AND GAME.

Unlawful to plant oysters within certain limits, except as hereafter provided.

SECTION 3. That from and after the passage of this act it shall be unlawful for any person to lay out or plant oysters within the following limits in Delaware Bay: beginning at the mouth of Mispillion Creek and running in an easterly course to West Flats, thence south to Cape Henlopen, thence a westerly course to the beach, except as hereinafter provided.

Bona fide citizen may appropriate to his own use twenty acres to fifty acres of bay bottom described in Section 3.

SECTION 4. Any person or persons who are *bona fide* citizens of the State of Delaware may, for the purpose of planting oysters and catching the same by means of dredges, tongs or rakes, appropriate to his or their own use a part of the bottom of the bay within the limits defined in Section 3 of this act, which shall not exceed in area more than fifty acres, nor less than twenty-five acres, which part shall be designated by him or them by stakes to show at least two feet above high-water mark and not to be obstructive to navigation or interfere with the rights of fishermen. It shall be the possession of the planter or planters and the oysters to be deposited therein and their increase shall be his or their private property; but before any person shall avail himself of this privilege, he shall apply in writing to the collector of the oyster revenue for a license for that purpose, and shall pay to the said collector the sum of fifty cents per acre for each and every acre to be by him or them staked off for the purpose aforesaid, and also the sum of one dollar per ton (custom house measurement) for the vessel employed in the business of dredging or planting, and shall also pay to the said collector, as the fee or price therefor, for the privilege of dredging or tonging said oysters, five dollars for each and every boat and pair of tongs used in said boat, and the said tongs shall have painted on them a number (corresponding with said boat's number), and no more shall be demanded for the use of said tongs by whomsoever used.

Oyster grounds, how to be designated

Oysters so planted to be the property of the planter.

Planters shall apply in writing for a license.

Fees to be paid to Collector.

License valid for one year only.

The said license shall last only one year and must be renewed by the first day of April of each year and the like sum be paid at the time of each renewal.

Taking oysters from the plantation of another deemed larceny

SECTION 5. That if any person or persons shall take or carry away from the plantation of another, so as aforesaid appropriated to his use, any oysters being within the limits thereof, without the consent of the owners thereof, he shall be deemed guilty of larceny and upon conviction thereof be punished accordingly, and it shall be no objection to a

OF FISH, OYSTERS AND GAME.

prosecution for larceny in such a case that the act was done openly.

In addition to the said punishment there shall be imposed a fine of one hundred dollars, one-half to be given to the informer, and the other half to the owner or owners aforesaid.

Fines, how applied.

SECTION 6. Any person violating the provisions of Section three of this act shall be deemed guilty of a misdemeanor, and on conviction thereof, before any justice of the peace of Sussex County, shall be fined for each offense the sum of one hundred dollars and shall forfeit all oysters planted by him or them, the vessel used by him or them in the planting of said oysters, and all and everything in and belonging to her; the one-half of said fine shall be paid to the informer and the other half to the collector of oyster revenue.

Violation of Section 3 a misdemeanor.

Penalty for violation.

Shall forfeit vessel.

SECTION 7. That when an affidavit is filed before said justice, charging that a violation of this statute has been committed by any one, and setting forth a description of the boat or vessel used by him or them so charged, the said justice shall issue a warrant directed to any constable of said county, authorizing him to arrest the person or persons therein charged and also to seize and hold said boat or vessel and all and everything in and belonging to her until the final order of the justice of the peace in the premises.

Duty of Justice of the Peace.

SECTION 8. That upon such conviction the said justice of the peace shall have the power and authority to commit any one so offending to the jail of Sussex County until said fine and costs are paid, and also to issue an order to any constable of said county empowering and directing him to seize and sell said boat or vessel used by such offender in the planting of oysters in the waters aforesaid, or catching or carrying away the same without the consent of the owner thereof, and all and everything in and belonging to her, on ten days' notice, posted in two of the most public places in each of the hundreds of Cedar Creek, Broadkill, Lewes and Rehoboth, and that such sale shall convey to the purchaser or purchasers of said boat or vessel and all and everything belonging to her a good and valid title thereto.

Justice of the Peace authorized to commit offenders.

May order seizure and sale of boat.

SECTION 9. That the proceeds of said sale so as aforesaid made by the constable, after deducting costs which shall be retained by the said officer and paid to the parties entitled,

Proceeds of sale of boat, how applied.

OF FISH, OYSTERS AND GAME.

shall be paid over to the county treasurer of Sussex County; *Provided* that the parties defendant may appeal to the Court of the General Sessions of the Peace and Jail Delivery within ten days from the time when the judgment was rendered, upon giving bond to the State, with security to be approved by the justice of the peace, in a sum double the amount of the fine imposed and the value of the property seized by the constable, conditioned that if the said appeal shall be prosecuted with effect then the same shall be void, otherwise to be in full force and effect. The proceedings shall be in the name of the State of Delaware, and upon the docketing of the appeal in the Court of General Sessions of the Peace and Jail Delivery the Attorney-General shall answer the appeal and conduct the case for the State.

Defendant's
right of
appeal.

Attorney
General
shall answer
appeal

SECTION 10. That the owner or owners of the plantations prescribed and authorized within the limits set forth in Section 3 of this act, and all persons deputed by him or them as his or their agents, shall have the right and are hereby clothed with full power and authority to make arrests for any violation of any of the provisions of this act as duly constituted officers of the laws of Delaware, and their acts and doings as such shall be respected as legal and valid.

Owners of
plantations
and persons
deputed,
authorized,
to make
arrests for
violations of
this act

SECTION 11. All oyster plantations not exceeding fifty acres occupied and used by boats or vessels of over nine tons (custom house measurement), and all plantations not exceeding thirty acres occupied and used by boats of the tonnage of nine tons (custom house measurement) and under, heretofore made in the Delaware bay, shall be deemed and taken to be the possession of the respective planters, and oysters deposited or to be deposited in such plantations and their increase shall be the private property of the said planters; *Provided* and upon the condition that the said planters shall pay annually, by the first day of April, to the collector of the oyster revenue, to be appointed as hereinafter provided, the sum of twenty-five dollars as rent for the ground so held by him or them and used by boats or vessels over nine tons (custom house measurement), and the sum of fifteen dollars as rent for ground so held by him or them and used by boats or vessels of nine tons or under (custom house measurement), and the further sum of three dollars per ton (custom house measurement), for the boat or vessel to be used in the business of working the said plantations. Failure to pay such rent and license fee by the time above mentioned shall be a

Certain
plantations
deemed to
be the pos-
session of
planters in
possession.
Oysters de-
posited
thereon the
property of
the planter.

Provide.

Planters
shall pay
tax to Col-
lector of
Oyster Rev-
enue

Failure to
pay tax to
forfeit rights

OF FISH, OYSTERS AND GAME.

forfeiture of all the rights hereby secured. The said plantation shall be designated by stakes, as provided in the next section for new plantations, and the oysters within them shall be protected as hereinafter provided. The different plantations shall be treated as numbered in the order which license to plant are issued under this act, and the boat or vessel used in the business of planting shall wear that number, painted in black, at least eighteen inches long, in the middle of her mainsail, one-third of the distance below the head thereof. *Provided however* that where more parts than one, but not exceeding in the whole fifty acres or thirty acres, as the case may be, are appropriated by one person, they shall bear the same number, and that number only shall be necessary for designation of the boat or vessel; and every plantation shall be designated as soon as appropriated by the number of the license under which it is occupied, attached in some proper form to each corner of the plantation, the figures to be not less than ten inches in length, the expenses of which shall be borne by the planters; and the boat or vessel used in the business for dredging for oysters only on the natural beds of this State, under license authorized by this act, shall wear in the middle of her mainsail, one-third of the way from the head thereof, a roman letter, painted in black, eighteen inches long, to be designated in the license and to be in orderly succession from the beginning of the alphabet.

Plantations,
how design-
ated and
numbered.

Persons
holding
more than
one part to
mark vessels
with uni-
form num-
ber.

Expense of
designation
shall be
borne by
planter.

Vessels
dredging on
natural
beds, how
designated.

SECTION 12. Any person or persons may appropriate to his or their own use a part not exceeding fifty acres for boats or vessels to be used by him or them of a larger tonnage than nine tons (custom house measurement), and a part not exceeding thirty acres for boats or vessels to be used by him or them of nine tons and under (custom house measurement) of the bottom of Delaware Bay, south of Mahon River and west of Blake's Channel, embraced and lying between the two following parallel lines, to wit: one drawn due east from Mahon River Light House and the other due east from a point on the shore at ordinary high-water mark, three miles south of the middle of the mouth of Murderkill Creek, saving and excepting however that part on the bottom of the Delaware Bay lying between the two aforesaid parallel lines and extending three hundred yards into the bay from the ordinary low-water mark, unless the same be then appropriated according to law, which part shall be designated by him or them by stakes not more than fifty yards apart to

Further
plantations,
limit of
amount that
may be ap-
propriated.

Limits of
plantations
named in
this section.

OF FISH, OYSTERS AND GAME.

show at least two feet above the ordinary high water and not be obstructive of navigation; it shall be the possession of the planter or planters, and the oysters to be deposited therein and their increase shall be their private property. But before any one shall avail himself of this privilege, he shall apply in writing to the said collector for a license for that purpose and pay to the said collector the sum of twenty-five dollars as the fee or price thereof for boats or vessels to be used by him or them of a larger tonnage than nine tons (custom house measurement) and the sum of fifteen dollars as the fee or price thereof for boats or vessels used by him or them of nine tons and under (custom house measurement) and also the sum of three dollars per ton (custom house measurement) for the boat or vessel to be employed in the business of planting, if he be a resident of this State, and two dollars per ton (custom house measurement) if he be a non-resident of this State. The said license shall last only to the first day of April following the date thereof, and must be renewed by the first day of April of each year, and the like sum be paid at the time of each renewal; *provided* that nothing in this act contained shall be construed to authorize the appropriation by any one person of so many parts as shall exceed in the aggregate fifty acres for boats or vessels over nine tons (custom house measurement), and thirty acres for boats or vessels of nine tons (custom house measurement) or under. The privileges granted by this and the preceding section shall not embrace any portion of the bottom of the bay which is a natural oyster bed and has been hitherto used and worked as such, nor shall be extended beyond the mere right to plant oysters and hold them as property.

Grounds,
how marked
and design-
ated.

Oysters de-
posited shall
be private
property of
planters.

Planters
shall pay tax
to Collector
of Oyster
Revenue.

License
valid for one
year only.

Amount that
may be ap-
propriated
by one
vessel.

Privileges of
this act not
to extend to
natural
beds.

The right to
dredge for
oysters on
natural beds
limited to
bona fide
residents of
this State.

Right of
of bona fide
citizens to
take oysters
on natural
beds, how
obtained and
secured.

SECTION 13. No person who is not at the time a bona fide resident of this State, and shall have been such bona fide resident continuously for at least six months, and the vessel used by him at least one-half part thereof be bona fide owned by bona fide residents of this State and wholly manned by bona fide residents (all of which said bona fide residents shall have lived and resided in this State as such bona fide residents continuously for at least six months prior to the time of making application for the certificate hereinafter mentioned) shall dredge for oysters, or otherwise take the same up from any natural oyster beds of this State. But any bona fide resident of this State as aforesaid, and using a boat or vessel, one-half of which at least is owned by bona fide residents

OF FISH, OYSTERS AND GAME.

of this State as aforesaid, and wholly manned by bona fide residents of this State as aforesaid, desiring to avail himself of the privilege of dredging for oysters, or otherwise taking them up from any of the natural oyster beds of this State, for planting or other purposes, shall first procure from the collector as aforesaid a certificate under his hand, stating that he has complied with the provisions of the law in that behalf; and in order to obtain such certificate the owner, or one of the owners (if more than one) of any such boat or vessel, shall file with the collector a written application, stating the name of the boat or vessel, the name of the owner or owners, (if more than one), and the place or places of residence, (if living in a city the street and number must be given) of such owner or owners, and the shares in which such owners own the same, and the duration of residence in this State of the resident owners of at least one-half of said boat or vessel, and shall verify such statement by his oath or affirmation, which the said collector is hereby authorized to administer. The owner so applying shall file at the same time a written statement of the crew and master of such boat or vessel, showing the names and places of residence of each of the said crew and master of such boat or vessel, and the duration of residence in this State of the captain or master of said boat or vessel and of each of said crew, (and the street and number of their residence if in a city), which shall also be verified by the oath or affirmation of the captain or master and each of the said crew respectively; which the said collector is also hereby authorized to administer. If it appears by such application or statement that at least one-half part of the said boat or vessel is bona fide owned by a bona fide resident or residents of this State as aforesaid, and is wholly manned by a crew all of whom are bona fide residents of this State as aforesaid, and have been such bona fide residents continuously for at least six months prior to the time of making such statement, the said collector shall issue and deliver to the master of such boat or vessel a certificate, unless the said collector shall have good grounds to believe that the statements made by any such owner or owners or any of the crew are untrue; and in such case the said collector may refuse to issue such certificate until he shall have had a reasonable time to inquire into the truth or falsity of said statement, and if upon such inquiry the said collector shall be satisfied of the truth of such statement, he shall thereupon issue such certificate; but if he shall be satisfied,

Statement
as to resi-
dence to be
verified by
oath.

Applicant
must file
also a state-
ment of resi-
dence, etc.
of crew.

Collector
may admin-
ister oath.

Collector to
issue certifi-
cate when
conditions
are complied
with, in his
discretion.

OF FISH, OYSTERS AND GAME.

upon due inquiry, that any of said statement is false, he may refuse to issue such certificate.

The certificate may be according to the following form:

Form of
certificate.

"This is to certify that the owner of the vessel called ———, having fully complied with the provisions of law in that behalf, the said vessel is allowed and permitted to be used and employed in dredging on any of the natural oyster beds within the waters of this State (excepting the portions reserved by law for tonging purposes) during the period by law prescribed for dredging; but the permission hereby conferred shall instantly cease and terminate whenever less than one-half part of said vessel shall be bona fide owned by bona fide residents of this State, or whenever said vessel shall not be manned by a crew wholly composed of bona fide residents of this State.

Given under my hand, at ———, this ——— day of ———,
A. D. 18—.

— — —, *Collector of Oyster Revenue.*

Upon failure
to man
boat by bona
fide resi-
dents, as
aforesaid,
license shall
be forfeited.

Whenever such boat or vessel shall not be wholly manned by bona fide residents of this State as aforesaid for at least six months, or at any time less than one-half part thereof shall be bona fide owned by bona fide residents of this State, as aforesaid, thereupon all privileges conferred by said certificate shall immediately cease and terminate and the license hereinafter provided for shall be forfeited and become null and void.

Master of
boat shall
procure
license upon
receiving
certificate.

Fees for
license.

Shall dredge
on natural
beds in
April, May
and June
only.

License sub-
ject to in-
spection.

When such certificate shall be issued as aforesaid the captain or master of the boat or vessel to be employed in the business of dredging upon any of the natural oyster beds of this State, before exercising the privilege of dredging as aforesaid, he shall obtain from said collector a license. The fee for license to dredge on natural beds shall be three dollars per ton (custom house measurement), for the boat or vessel to be employed in the business, to be demanded by and paid to the aforesaid collector before the said license is delivered, but such license shall not be taken to authorize the planting of oysters nor of dredging for oysters on any of the natural oyster beds only in the months of April, May and June of the year in which said certificate and license were issued. The said license, and any license under this act, may be demanded at any time for inspection by the collector aforesaid or the person then in command of the watch boat hereinafter

OF FISH, OYSTERS AND GAME.

mentioned, and failure to produce it shall be evidence that it does not exist. *Provided* that nothing contained in this section shall be so deemed or construed as to require a regular licensed planter, who is a resident of this State as aforesaid, and using a boat or vessel one-half of which is bona fide owned by bona fide residents of this State as aforesaid and manned by a crew who are all bona fide residents of this State as aforesaid, to take out a license to dredge on the natural beds of this State, but such regular licensed resident planters as aforesaid shall be required to obtain the certificate mentioned in this section, and such certificate alone obtained shall confer upon such regular licensed resident planter of this State the right to dredge upon the natural oyster beds of this State during the months of April, May and June only in the year in which said certificate is issued. Any person who shall swear falsely in making any of the oaths or affirmations required by this section shall be guilty of willful perjury and shall be prosecuted and punished accordingly.

Proviso.

Regular
licensed
planters not
required to
take out
license to
dredge on
natural bedsCertificate
sufficient in
certain casesPenalty for
swearing
falsely.

SECTION 14. That no person or persons shall dredge for or otherwise take any oysters from the plantation of another without the consent of the person or persons owning said plantation.

No person
shall take
oysters from
plantation
of another.

SECTION 15. That it shall be unlawful for any person or persons whomsoever, having no license to dredge for oysters on any of the natural oyster beds of this State, or having no license to plant oysters, to dredge for any oysters from any of the natural oyster beds of this State. And it shall be unlawful for any person or persons having a license to dredge for oysters on any of the natural oyster beds of this State, or being a resident planter and having a license to plant oysters and having the proper certificate as hereinbefore required, to dredge for oysters from any of the natural oyster beds of this State at any time excepting during the months of April, May and June of the year in which such certificate and license were issued; and it shall be unlawful for any person or persons whomsoever to dredge for or otherwise catch or take up oysters either on their own plantations or on the natural oyster beds of this State at any time after sunset and before sunrise, or on the Lord's day, commonly called Sunday, and it shall be unlawful for any licensed planter of oysters to dredge for or otherwise catch or take any oysters from his own plantation during the months of July and August of any year.

Unlawful to
dredge with-
out license.Unlawful for
licensed
planters to
dredge ex-
cept in
April, May
and JuneUnlawful to
take oysters
in the night
time or on
Sunday.Unlawful to
take oysters
in months of
July and
August.

OF FISH, OYSTERS AND GAME.

Unlawful for oyster boats or vessels to remain upon beds after sunset.

And it shall be unlawful for any boat or vessel used in virtue of any oyster license to plant or dredge, to remain on or near the plantation or natural oyster beds in the bay after sunset, and all oyster boats or vessels used in planting and dredging for oysters under this act shall not only be retired from their occupation or business at or before sunset, but shall be taken within the land by that time if the wind and tide will allow, and no accident to prevent.

Signal for beginning work or retiring from work to be given from watch boat.

SECTION 16. A signal for commencing work by the boats or vessels licensed under this act, in the morning, and for retiring from work in the evening shall be given from the watch boat; such signal for commencing work shall be the hoisting of the flag of the watch boat in the morning at sunrise and keeping the same displayed for one hour at least thereafter, and the signal for retiring in the evening shall be the lowering of the said flag at sunset, which previously to the lowering thereof at sunset, shall be displayed at least one hour. This flag shall be of drilling of navy blue color, six feet by four in length, with a diamond of white in the centre, having a diameter of two feet between the points furtherest apart; it shall be displayed at least one hour at her main topmast head in the morning during the working days, commencing at sunrise, and shall also be displayed one hour as aforesaid before sunset.

Signal shall be a flag. When to be displayed.

Description of signal flag.

Failure to get signal no excuse for remaining on beds.

Duty of watch boat to remain on oyster grounds

The failure or neglect of the giving of the signals from the watch boat for retiring shall be no excuse for any boat or vessel to remain on or near the plantations or natural beds in the bay after sunset. The said watch boat shall not leave the planting grounds and natural oyster beds, but shall cruise up and down the same if the wind will allow, except when she is compelled by floating ice, severe stress of weather, accident or want of repairs or supplies from remaining in the bay.

Violations of law, how punished

SECTION 17. Any person or persons who shall violate any of the provisions of the three sections preceding the last foregoing section of this act shall be fined the sum of one hundred dollars, and if more than one, each of the said persons shall be fined one hundred dollars, which said fines, with the costs of prosecution, shall be a lien upon the boat or vessel used by such offenders from the time of the seizure thereof as hereinafter provided; and the proceedings for such violation shall be before any justice of the peace of Kent County as herein provided in the second section following hereafter,

Jurisdiction of Justice of the Peace.

OF FISH, OYSTERS AND GAME.

and the offender or offenders shall be imprisoned until said fines and costs are paid, or until such boat or vessel shall be sold as hereinafter provided.

SECTION 18. When an oyster boat or vessel is sailing over a plantation or oyster grounds with dredges overboard and the men or crew, or part of them, at the winders on board of such boat or vessel handling or working the dredges, it shall be conclusive evidence that the parties on board of such boat or vessel are dredging for oysters; and when a boat or vessel is discovered on the plantation or ground of another, so working his boat or vessel with dredges overboard, without the owner's permission, it shall be conclusive evidence that such person or persons are violating the provisions of the section of this act which forbids the dredging on the plantation of another without the owner's consent.

Certain man-
euvers of
vessel and
crew to be
conclusive
evidence of
dredging.

Dredging
without con-
sent of own-
er, evidence
of.

SECTION 19. For the purposes of protecting the oyster beds in the Delaware Bay, and those who plant oysters under this act in the enjoyment of the privileges hereby secured to them, the aforesaid collector shall, with the moneys paid under the provisions of this act, keep and maintain a suitable vessel as a watch boat, not less than twenty-five tons (custom house measurement) which shall be of the best quality, well found in all respects, and able to keep watch in all weathers, and manned with four men, all of whom shall be experienced and practical seamen, one of whom shall be her captain, to be designated by the collector, and he shall have charge of her; the others shall be subject to his orders. She shall be employed at all times in the protection of the natural oyster beds of this State and the plantations of the several planters from depredation by trespassers, and shall cruise at all times, when the weather will allow, over the oyster plantations and natural beds from one end of them to the other, that no depredation upon any of them may be unseen, and shall not go to harbor except when stress of weather or when accident or some urgent necessity requires it. On board of this boat shall be kept a log book, a record in which shall be entered the names of every person licensed to plant or dredge for oysters, with the number of his license and the time when the same was taken out, and also the name of each person constituting the crew of the different boats or vessels used in dredging for oysters on the natural beds; and upon the command of her captain (or if he be sick or absent), upon the command of the person at the time in

Collector au-
thorized to
keep and
maintain a
watch boat.

Boat to be
manned by
practical
seamen.

Watch boat,
how em-
ployed.

Log book to
be kept on
watch boat.
What rec-
ords to be
kept.

OF FISH, OYSTERS AND GAME.

Crews of oyster boats shall aid and assist watch boat in enforcing this act.

Duty of captain of watch boat.

May seize vessel engaged in violating this law.

Justice of Peace shall fix a time for a hearing.

Postponement of hearing not to exceed five days.

Person arrested shall give bond.

Fines for violation of law, how collected.

Seizure of boat.

charge of her, any other boat or boats, vessel or vessels, together with their crew, shall aid and assist the watch boat and her crew as a *posse comitatus* in the enforcement of the several provisions of this act. Such enforcement shall be the seizure of the boat or vessel used in the violations of the provisions of this act, and everything in and belonging to her, including the master or captain as hereinbefore provided. And it shall be the duty of the captain of the said watch boat to keep a strict and vigilant watch and to see that no violations are made of any of the provisions of this act, and whenever, upon his own view, or upon reliable information, he has good grounds to believe that any boat or vessel is being used in violation of any of the provisions of this act, he shall forthwith seize such boat or vessel and take her to Little Creek Landing and safely keep the same until sold or discharged by due course of law, and to arrest all the crew, including the captain or master, and take them before a justice of the peace of Kent County, who shall have full jurisdiction over every violation of Sections 13, 14 and 15 of this act.

In order to give the defendants an opportunity for a fair trial, it shall be the duty of the said justice to fix a day for the hearing, which shall not be more than five days from the time of the arrest, and may be earlier if the defendants so desire.

If from any cause the justice shall be satisfied that the defendants cannot be prepared for trial by the day fixed by him, he may postpone the hearing to a day not exceeding five days from the day first fixed; the person or persons so arrested shall be required to give bail for their appearance on the day fixed for trial, in a sum to be fixed by the said justice, and in default thereof shall be committed to the jail of Kent county; upon proof to the satisfaction of the justice that the defendants or any of them are guilty, the said justice shall impose upon the defendant or defendants, severally so found guilty, a fine of one hundred dollars for such violations, together with the costs of proceedings, including costs of seizure and detaining the said boat or vessel, and the said defendants so found guilty shall be imprisoned until said fines and costs be paid, or until such boat or vessel shall be sold as hereinafter provided; which said fine and costs shall also be a lien upon said boat or vessel from the time of her seizure, and the said boat or vessel, and everything in or belonging to her, shall be detained until said fines and costs be paid; and in case said fines and costs be not paid within fifteen days from the

OF FISH, OYSTERS AND GAME.

time the same were adjudged by the said justice, then the said justice, or any other justice of the peace of Kent county, shall issue an order to any constable of Kent county, commanding the said constable to sell the said boat or vessel, and all and everything in and belonging to her, to the highest bidder, at public sale, on ten days notice, by advertisements posted in six of the most public places in East Dover and Little Creek hundreds, and the proceeds, after deducting the fines and costs, shall be paid to the owner or owners of such boat or vessel; but if said proceeds shall not be sufficient to pay the whole of said fines and costs, the proceeds shall be first applied to the costs, and the balance thereof to the fines, and thereupon any persons who may have been imprisoned by reason of non-payment of said fines and costs shall thereupon be discharged from imprisonment.

Sale of boat
in default of
payment.

Notice of
sale, where
posted.

Proceeds of
sale, how
applied.

Discharge
of persons
imprisoned.

Provided that parties defendant in the proceedings may appeal to the Court of General Sessions of the Peace and Jail Delivery, upon giving security by bond with surety to the justice of the peace, in the name of the State of Delaware, in a sum double the amount of the fine imposed, to prosecute the said appeal with effect at the next term of the said court. The appeal shall be tried at said term by jury, unless the court continue it, and upon certificate by the clerk that the appeal was not prosecuted in due time, or was decided against the appellant, the bond shall be forfeited and be at once proceeded upon at the instance of the collector. The appeal shall be a supersedeas; but it shall not be granted after an expiration of fifteen days from the time of the imposition of the fine.

Defendant's
right of
appeal

Security by
bond,
amount of.

Appeal, how
tried.

Appeal not
granted after
15 days.

SECTION 20. Upon complaint made by any person before any justice of the peace of Kent county, supported by oath or affirmation, that any boat or vessel has been used or is being used in violation of any of the provisions of Sections 13, 14 and 15 of this act, it shall be the duty of the said justice to issue a warrant under his hand and seal, directed to the captain of the watch boat, commanding him to seize such boat or vessel and to arrest all her crew, including the captain or master, and the said captain of the watch boat shall forthwith proceed as provided in Section 19 of this act, and the proceeding before the justice of the peace shall be the same as therein provided, with the right to appeal as aforesaid. When the collector shall have knowledge or reliable information that any boat or vessel has been used or

Duty of Jus-
tice of the
Peace upon
complaint.

Warrant to
issue to cap-
tain of watch
boat.

Procedure
upon com-
plaint.

OF FISH, OYSTERS AND GAME.

Duty of Col- is being used in violation of the provisions of Sections 13,
 lector upon 14 and 15 of this act, it shall be his duty forthwith to order
 information the captain of the said watch boat to seize such boat or
 of violation of law. vessel and arrest all her crew, including her captain or
 Shall order master, and thereupon the said captain of the watch boat
 seizure of shall proceed in the same way as is provided in the aforesaid
 boat. Section 19 of this act, and the proceedings before the justice
 Proceedings shall be the same as therein provided, with a right of appeal
 before Jus- as aforesaid. If the captain of the watch boat shall be
 of the Peace absent or incapable of acting in the premises, the person at
 In absence the time in charge of the said watch boat shall do and
 of captain perform all matters and things herein required of the captain
 the person in charge of watch boat shall act. of the watch boat.

Duty of Jus- SECTION 21. Upon parties charged with violations of
 tice of the any of the provisions of Sections 13, 14 and 15 of this
 Peace as to act being brought before the justice, he shall inquire their
 names of names he may choose, which shall be taken to be their true names, and they shall
 charged. be further described as belonging to the boat or vessel seized,
 which shall be named also.

Form of
 proceedings
 for seizure
 and sale of
 boat.

The proceedings may be according to the following form:

The State of Delaware,
 vs.
 A, B, C, D, E, F,
 belonging to the boat or ves-
 sel ——— ———

Proceedings for violation
 of Section — of the act en-
 titled "An act to repeal all
 statutes relating to planting,
 propagating, dredging, tong-
 ing, or taking oysters from
 the natural beds or planta-
 tions in the Delaware bay
 and its tributaries, and to
 reenact the same or parts
 thereof with amendments.

And now to wit, this — day of —, A. D. —, the
 parties defendant being brought forward and the said boat
 or vessel being in custody, and both parties being ready for
 trial, and the testimony having been heard and considered,
 it is hereby adjudged that the said A, B, C, D, E, F (or such
 of them as were guilty), are guilty of violating, on the —
 day of — last, the provisions of Section — of the act afore-
 said, by the use of the said boat or vessel and the implements
 on her for that purpose, and they are hereby ordered to pay

OF FISH, OYSTERS AND GAME.

each severally a fine of one hundred dollars, and jointly to pay the costs of prosecution and the costs of seizing and detaining said vessel, and are committed to the custody of the Sheriff of Kent county until the said fines and costs be paid, or until the said boat or vessel be sold; it is further ordered that if the said costs and fines be not paid in fifteen days that the said boat or vessel and her implements as aforesaid and all her appurtenances be sold by M. W., Constable, to the highest bidder, on ten days' notice by advertisements in six of the most public places in East Dover and Little Creek hundreds.

J. D., J. P.

SECTION 22. In the performance of the duties enjoined by this act the crew of the watch boat and those aiding them voluntarily, or upon requisition as aforesaid, may use any force necessary for that purpose, and in any proceedings against them, either criminal or civil, they may plead this act in justification or give it in evidence under the general issue.

Crew of watch boat may use "necessary force" in the performance of their duties.

SECTION 23. If any person shall resist the crew of the watch boat and those who may be acting in aid of them, or any of such persons in the enforcement of this statute, he shall, if such resistance do not endanger life, be guilty of a misdemeanor, and upon conviction, by indictment, he shall be fined one hundred dollars; if life be endangered, but not taken, he shall be deemed guilty of felony, and upon conviction by indictment he shall be fined five hundred dollars and exposed in the pillory one hour and imprisoned one year; if life be taken by the resisting party he shall be guilty of murder in the first degree.

Resistance of crew of watch boat.

When a misdemeanor: penalty.

When a felony: penalty.

When murder.

SECTION 24. That any non-resident desiring to plant or continue to plant oysters in the Delaware bay and prohibited under this act from dredging for oysters on the natural oyster beds of this State, may obtain a license under Section 12 of this act for planting oysters and taking up the same by paying the usual fee for ground rent, as prescribed in this act, and the further sum of two dollars per ton (custom house measurement), for the boat or vessel to be used in the business of working the plantation, as is also prescribed in said Section 12 of this act; and the person taking a license for himself under the provisions of this section shall take an oath, to be administered by the collector, hereinafter provided for, before the license is delivered, that he will not

Non-residents may obtain license under Section 12 of this act, under conditions named in this section.

Applicant shall make affidavit.

OF FISH, OYSTERS AND GAME.

Contents of affidavit. violate, or consent to the violation, or allow the boat or vessel used by him in the prosecution of the business for which said license is granted to be employed in the violation of this act.

License to allow use of one boat only. SECTION 25. A license to plant under this act and to dredge merely, shall be taken to allow the use of one boat or vessel only in the business, and in every case of license granted the applicant shall state the name of such vessel, and the license shall have her name inserted therein. And that no right to plant or dredge for oysters under any circumstances shall exist or be exercised until license in due form is issued and paid for.

Applicant must give name of vessel.

Plantation to be re-staked prior to May 1st. SECTION 26. All persons having plantations, and the stakes having been carried off by ice or otherwise, shall be required to re-stake them in the same manner as required by Section 12 of this act, by the first day of May in each and every year, and a failure to comply with this section within three months after the first day of May shall forfeit all right or claim to such plantation and it shall revert to the State, and it may be at any time thereafter staked off as new ground in accordance with the provisions of this act.

Plantation to revert to State upon failure to re-stake

Persons desiring to take up new ground, to give notice. SECTION 27. Any person desiring to take up new ground, shall notify the collector of the location that he has chosen, and if it be within three hundred yards of the plantation of another or the plantations of others. it shall be the duty of the collector to notify the owner or owners of said plantations; and if such owner or owners or any of them object, he or they must make their objections in writing to the said collector, and it shall be the duty of the said collector to hear the objections, and if it should appear that the persons so objecting had good reasonable grounds for such objections, and that their property would be thereby endangered, then he shall refuse to allow the person so desiring to stake up the ground so selected by him.

Notice to other planters.

Objections to new ground; must be in writing.

Collector to decide upon objections after hearing

Provisions of law to be complied with before boats allowed to work. SECTION 28. That no boat or vessel whatever shall be allowed to work until her owner has complied with the law in regard to wearing her number, of legal dimensions, upon her mainsail; and that no boat or vessel having a license to dredge for oysters on the natural oyster beds of this State shall be allowed to do so until her owner or owners have complied with the law in regard to wearing the letter in or on her mainsail as provided by this act, and if any boat

OF FISH, OYSTERS AND GAME.

or vessel shall be used without having such number or letter, as the case may be, she shall be seized by the captain of the watch boat and detained by him until her owner or owners shall have complied with the law in regard to such number or letter, as the case may be, and before she shall be allowed again to work or dredge for oysters her owner or owners shall pay the collector the costs and expenses of her seizure and detention.

Seizure of boat for failure to comply with provisions.

SECTION 29. It shall be unlawful for any boat or vessel licensed to dredge on the natural oyster beds of this State to use a dredge that has a tooth bar over forty inches (40) in length between the shoulders; and any violations of the provisions of this section shall *ipso facto* work a forfeiture of the license issued for the use of such boat or vessel, and all right to work such boat or vessel under such license shall immediately cease; and another license shall not be obtained for the said boat or vessel until the expiration of the year for which the license so forfeited was issued.

Unlawful to use dredge with tooth-bar over 40 inches long.

Violations of provisions of this section shall forfeit license for one year.

SECTION 30. Every boat or vessel used or employed in planting or dredging for oysters under the provisions of this act shall have her name plainly painted on her stern at the usual place, in white letters upon a black ground, or black letters upon a white ground, so that the same may at all times be visible; and any boat or vessel used for planting or dredging for oysters under the provisions of this act, and not having her name plainly painted upon her stern as aforesaid, shall be seized by the captain of the watch boat and detained by him until her owner or owners shall have complied with the law in regard to her name being plainly painted on her stern as aforesaid, and before she shall be allowed again to work or dredge for oysters her owner or owners shall pay to the collector the costs and expenses of her seizure and [detention.]

Name of vessel to be plainly painted on stern of vessel; kind of letters

Seizure of vessel for failure to exhibit name.

Shall not work till costs are paid.

SECTION 31. If the said captain of the watch boat, or the collector provided for by this act, shall refuse or neglect to perform any of the duties required of them, respectively, under this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not less than fifty dollars nor more than one hundred dollars, together with the costs of prosecution.

Penalty for failure of certain officers to perform their duties.

OF FISH, OYSTERS AND GAME.

Captain and crew of watch boat to be paid for time actually employed, only.

SECTION 32. That neither the captain of the watch boat nor any of her crew shall receive any pay for the time not actually and actively spent in the discharge of the duties required by this act; but such time shall be deducted in the computation of their wages.

\$400 from oyster fund appropriated to Kent County. Levy Court: how to be expended.

SECTION 33. That the sum of four hundred dollars annually be and is hereby set apart and appropriated out of the oyster fund to the Levy Court of Kent County; and the said Levy Court is hereby authorized and directed to appropriate the whole of said sum in improving that part of the road from Little Creek Landing to Mahon's River which lies between the run and fast land, and also the road leading from what is known as "The Smith Shop" in Mahon's River to the said road at a point near Indian Gut, and for that purpose shall appoint annually, in the month of March, some skillful and judicious road overseer to superintend and make such repairs, and said overseer shall be subject in all respects to the general laws governing other road overseers.

Levy Court to appoint road overseer

Collector authorized to furnish watch boat with flag, fuel, etc.

SECTION 34. The collector is hereby authorized and required to furnish the watch boat with six tons of coal and one cord of wood in each and every year; and he shall also keep the watch boat supplied with a proper flag as hereinbefore mentioned, and when the said flag shall be lost or destroyed, or worn out, he shall supply the said watch boat with a new flag in accordance with the provisions of this act, and the expense of such flag, wood and coal shall be paid out of any funds he the said collector may have in hand belonging to the State.

To be paid from State funds.

Justices of the Peace in Kent county given jurisdiction under this act.

SECTION 35. Any justice of the peace of this State, resident in Kent county, shall have jurisdiction over every violation of the provisions of Sections 13, 14 and 15 of this act, and the proceedings for every violation of the provisions of Sections 13, 14 and 15 of this act shall be before a justice of the peace resident of Kent county, with right of appeal as aforesaid; and all proceeding against any offender or offenders under this act shall be in the name of the State of Delaware.

Proceedings to be in name of the State.

Fees under this act to be the same as in other cases.

The fees to the justice, any officer rendering service under this act for violations thereof, shall be the same as now provided by law for like or similar cases; and any or all fines which may be imposed under the provisions of this act, and which may be collected and received by any constable

OF FISH, OYSTERS AND GAME.

of Kent county, shall be forthwith paid by said constable to the collector, and the failure to pay over such fine or fines to the collector within ten days after the same may be received or collected by any constable shall be a breach of his official obligation, and it shall be the duty of the collector forthwith to bring suit on such official obligation of such constable so failing to pay such fine within the time aforesaid; and for this purpose the said collector may employ any attorney at law to prosecute such suit, and the expenses of such employment shall be paid out of any funds he may have in hand belonging to the State.

Fines to be paid to Collector.

Collector may proceed upon official bond of constable in default.

Collector may employ an attorney.

SECTION 36. In order to carry into effect the provisions of this act there shall be an officer known as Collector of the Oyster Revenue, who shall be appointed by the Governor and shall reside at or near the village of Little Creek, or at Bowers', in Kent county, and shall hold his office for the term of two years or until his successor be appointed; but the Governor may at any time within that term remove the collector and appoint another in his stead upon sufficient cause shown him therefor, but the official bond of the collector so removed shall nevertheless be continued in force and he and his sureties therein shall be liable thereon for any breach of the duties of his office; before the collector shall enter upon the duties of his office he shall give bond, with surety to be approved by the Governor of the State of Delaware, in the penal sum of ten thousand dollars (\$10,000), conditioned for the faithful performance of the duties of his office, and he shall also be sworn or affirmed that he will faithfully and impartially perform the duties of his office. The official bond of the collector shall be recorded in the Recorder's office of Kent county, and the original (which shall be filed in the office of the Secretary of State), or a copy thereof from the record, duly certified, shall be evidence.

Office of Collector of Oyster Revenue.

Governor shall appoint Residence of Term of office.

Governor may remove Collector for cause.

Sureties liable for breach of duties.

Bond of Collector; amount of.

Oath of Collector.

Bond shall be recorded in Kent Co. Original bond, where filed.

The person who held the office of collector immediately prior to this act shall continue in office for two years from the date of his commission, unless he be removed by the Governor upon sufficient cause shown to him therefor, and the bond which the said collector has given shall remain in full force and effect for the time for which it was given, and he and his sureties therein shall be liable thereunder for any breach of duty which may have been or may be committed by the said collector.

First appointment by Governor, when to be made.

OF FISH, OYSTERS AND GAME.

Governor to
cause licenses
to be pre-
pared: form
of.

SECTION 37. The Governor shall cause the necessary licenses under this act to be prepared and supplied to the collector aforesaid, to be dispensed by him when called for under this act; they shall be in the usual form, except they shall be adapted to the nature of the privilege granted.

Collector to
require
license fees
to be paid
before
license is
issued.

SECTION 38. That the collector shall issue no license nor permit any boat or vessel to dredge until the price or fee for said licenses has been actually paid, and the collector violating this provision shall not only be responsible for said license fee, but in addition thereto forfeit a like sum to the State, which shall be sued for and collected by action on his official bond as in other cases of a breach of a condition thereof.

Penalty for
violation of
this pro-
vision

Compensa-
tion of Col-
lector not to
exceed
\$1,000.

SECTION 39. The compensation of the said collector under this act shall be ten per centum of the money collected and paid over to him, but shall not exceed the sum of one thousand dollars per annum; and that to the captain and crew of the watch boat shall be seventy-five dollars per month for the captain, and forty dollars per month for each of the crew, they finding their own board, which shall be paid out of the money collected under this act, a sufficient amount of which is hereby appropriated for that purpose, which shall be paid as hereinafter directed.

Compensa-
tion of cap-
tain and
crew of
watch boat.

Collector
shall keep
separate
account

Deposits to
be made
weekly.

Checks shall
be signed in
official
capacity.

How
numbered.

Bills shall
be filed and
numbered.
Subject to
inspection.

SECTION 40. That the collector shall keep a separate account in the Farmers' Bank, at Dover, of all moneys received by him for licenses issued and fines imposed under this act, and shall deposit weekly all moneys received therefor, and all disbursements which he is or may be authorized by law to make shall be by checks drawn on said funds in his official capacity, which shall be indicated by the written or printed word "Collector" immediately after his name. The checks shall be numbered consecutively from first to last during his continuance in office, shall state briefly what they are for, and the bills for which they are given shall have a corresponding number, and shall be filed in order in the office of the collector, and shall be subject to the inspection of any citizen and taxpayer who may wish to examine the same, and no disbursement shall be made in any other way.

Residue of
moneys to
be paid to
State Treas-
urer in
March,
annually.

SECTION 41. That the said collector shall, on or before the fifteenth day of March, in each and every year, pay over to the State Treasurer, for the use of the State, all the residue of the moneys received by him under this act after deducting

OF FISH, OYSTERS AND GAME.

the amount paid out by him under the authority of this act, together with the commission. The first payment under this act to be on or before the fifteenth day of March, A. D. 1894, and he shall at the same time make and deliver to the said State Treasurer an itemized account or statement of all moneys received by him from all sources under this act, and the name of the person or persons, and the boat or vessel used by him or them, from whom he received said money, and also paid out under this act, and to whom, and with the proper vouchers for the same, under his oath thereto attached to the said account or statement, in the following words, to wit:

Itemized
account to
be delivered
to State
Treasurer.

Statement to
be under
oath.

State of Delaware,

Kent County, ss.

Be it remembered that on this — day of —, A. D. —, personally came before me A. B., a notary public for the State of Delaware, C. D., Collector of the Oyster Revenue, and being by me duly sworn upon the Holy Evangelists of Almighty God, deposes and says that the foregoing is a just and true account of all the moneys received and paid over to him under and by virtue of the Laws of the State of Delaware in relation to the oysters, and the disbursements of the same, from the fifteenth day of —, A. D. —, to the — day of —, A. D. —; and he further deposes and says that there is no item or matter charged in said account and paid for by him except what is authorized by law.

Form of
affidavit.

C. D., *Collector*:

Sworn and subscribed before me, the day and year aforesaid.

[Seal.]

C. B., *Notary Public*.

And if the said collector, in rendering such account or statement to the said State Treasurer, shall make any false or fraudulent statement of the amount received by him, or shall, in drawing checks (the checks as prescribed to be drawn in this section) for the payment of the expenses incurred and other bills authorized to be paid by law, specify therein a greater amount than was contracted to be paid for the services or items for which any such check may be drawn, or which shall not be the true amount which the person in whose favor any such check may be drawn,* he shall be deemed guilty of a misdemeanor, and on conviction thereof by indictment shall be fined one hundred dollars, Fine.

Penalty for
fraudulent
statement by
Collector.

Untrue
statement
misde-
meanor.

OF FISH, OYSTERS AND GAME.

Forfeiture of office. one-half for the use of the informer and the residue for the use of the State, and such conviction shall *ipso facto* work a forfeiture of his office.

Annual statement to be published. SECTION 42. It shall be the duty of the collector to have his annual statement or account published in two newspapers printed in the Town of Dover, in the month of April, in each and every year.

Moneys paid to State Treasurer under this act, how applied. SECTION 43. That the money paid over to the State Treasurer, directed under this act, shall be kept as a separate fund, and when the amount is sufficient, it shall be applied by him to the purchase of a State bond or bonds, which said fund thenceforth shall constitute part of a sinking fund for the payment of the public debt.

A portion of Delaware Bay reserved for fishing and for domestic oyster purposes. SECTION 44. That there shall be reserved for fishing, and for domestic oyster purposes, the following described portion of the Delaware bay in this State:

Limits of portion reserved. First, that portion lying between two parallel lines and running due east to the middle of the ship channel, the first point to commence three miles south of the middle of the mouth of Murderkill creek and to run due east, and the second point to commence in the middle of the mouth of Mispillion creek and run a like due east course, and there shall not thereafter, within the herein described limits, be any oysters planted in the land staked up for such purposes except as herein provided, and in case any such oysters should be planted within these described limits they shall have no protection in law, and shall be forfeited for the use of the public, and the section here described shall be reserved for general fishing purposes.

Certain grounds between Lewis's Ditch and Mispillion creek laid off for domestic oyster purposes. SECTION 45. As excepted in the foregoing section of this act, there shall be laid off for domestic oyster purposes a strip of oyster planting land, from the mouth of Lewis's ditch southerly to the mouth of Mispillion creek, three hundred yards wide extending into the bay from ordinary low-water mark, and the same shall be divided into plats or sections containing each two hundred feet front on the shore line and extending a due east course between parallel lines three hundred yards into the bay; and each of said plats shall be considered one section.

OF FISH, OYSTERS AND GAME.

SECTION 46. From the plat or map including all the marked sections any person who is a bona fide citizen of this State may select one on paying a license fee of five dollars for each year to the collector of the oyster revenue of this State, whose further duties shall extend to the provisions of this act, and he shall keep a correct account of all such sections licensed, with the names of the persons holding the same, and such licenses shall contain their alphabetical number written in.

Bona fide citizens may select section upon payment of license.

Collector to keep account of section licenses.

It is herein provided that no section shall include the mouth of any creek, neither shall the space between St. Jones creek and Murderkill creek be included in the provisions of this act.

Certain limits not to be included in "sections" under this provision.

SECTION 47. No person taking out a license to plant oysters on any of these sections shall interfere with the seine fishing within these limits; in order that he or they may not do so, his shore stakes shall be at high water, and his stakes in the bay shall be held there by what is termed a "mush-room" or bell anchor, to which his stakes shall be attached in such way as to permit the lead lines of seines to pass over without getting fast.

Planters on these "sections" not to interfere with fishing.

Manner of staking "sections."

SECTION 48. Each one of these sections that is planted with oysters shall be staked within its given lines and distinctly marked by its alphabetical number, in letters not less than six inches long and two inches wide, at each corner, and any person who neglects so to stake his section shall have no protection in law under this act.

Sections shall be staked in alphabetical order.

SECTION 49. No person legally holding one of these sections shall be permitted to plant oysters thereon or take them therefrom, excepting between the hours of sunrise and sunset, and for every violation of this provision he shall be liable to a fine of ten dollars, and any person holding a section herein described who shall be found willfully taking the oysters from another section shall pay a fine of twenty dollars and forfeit his own section and all the oysters thereon, and shall not be permitted to have another license within the limits herein described.

Unlawful to take, or to plant oysters except between sunrise and sunset.

Penalty.

Unlawful to take oysters from the section of another.

SECTION 50. If any person not having a licensed section within these limits shall be found willfully taking or destroying the oysters on any licensed section, he shall be summarily fined the sum of twenty dollars for each such offense, and any sheriff, constable, or other citizen, shall have the

Persons not licensed taking oysters from licensed section to be fined \$20.

OF FISH, OYSTERS AND GAME.

Forfeiture of office. One-half for the use of the informer and the residue for the use of the State, and such conviction shall *ipso facto* work a forfeiture of his office.

Annual statement to be published. SECTION 42. It shall be the duty of the collector to have his annual statement or account published in two newspapers printed in the Town of Dover, in the month of April, in each and every year.

Moneys paid to State Treasurer under this act, how applied. SECTION 43. That the money paid over to the State Treasurer, directed under this act, shall be kept as a separate fund, and when the amount is sufficient, it shall be applied by him to the purchase of a State bond or bonds, which said fund thenceforth shall constitute part of a sinking fund for the payment of the public debt.

A portion of Delaware Bay reserved for fishing and for domestic oyster purposes. SECTION 44. That there shall be reserved for fishing, and for domestic oyster purposes, the following described portion of the Delaware bay in this State:

Limits of portion reserved. First, that portion lying between two parallel lines and running due east to the middle of the ship channel, the first point to commence three miles south of the middle of the mouth of Murderkill creek and to run due east, and the second point to commence in the middle of the mouth of Mispillion creek and run a like due east course, and there shall not thereafter, within the herein described limits, be any oysters planted in the land staked up for such purposes except as herein provided, and in case any such oysters should be planted within these described limits they shall have no protection in law, and shall be forfeited for the use of the public, and the section here described shall be reserved for general fishing purposes.

Oysters planted within these limits not protected by law.

Certain grounds between Lewis's Ditch and Mispillion creek laid off for domestic oyster purposes. SECTION 45. As excepted in the foregoing section of this act, there shall be laid off for domestic oyster purposes a strip of oyster planting land, from the mouth of Lewis's ditch southerly to the mouth of Mispillion creek, three hundred yards wide extending into the bay from ordinary low-water mark, and the same shall be divided into plats or sections containing each two hundred feet front on the shore line and extending a due east course between parallel lines three hundred yards into the bay; and each of said plats shall be considered one section.

OF FISH, OYSTERS AND GAME.

SECTION 46. From the plat or map including all the marked sections any person who is a bona fide citizen of this State may select one on paying a license fee of five dollars for each year to the collector of the oyster revenue of this State, whose further duties shall extend to the provisions of this act, and he shall keep a correct account of all such sections licensed, with the names of the persons holding the same, and such licenses shall contain their alphabetical number written in.

Bona fide citizens may select section upon payment of license.

Collector to keep account of section licenses.

It is herein provided that no section shall include the mouth of any creek, neither shall the space between St. Jones creek and Murderkill creek be included in the provisions of this act.

Certain limits not to be included in "sections" under this provision.

SECTION 47. No person taking out a license to plant oysters on any of these sections shall interfere with the seine fishing within these limits; in order that he or they may not do so, his shore stakes shall be at high water, and his stakes in the bay shall be held there by what is termed a "mush-room" or bell anchor, to which his stakes shall be attached in such way as to permit the lead lines of seines to pass over without getting fast.

Planters on these "sections" not to interfere with fishing.

Manner of staking "sections."

SECTION 48. Each one of these sections that is planted with oysters shall be staked within its given lines and distinctly marked by its alphabetical number, in letters not less than six inches long and two inches wide, at each corner, and any person who neglects so to stake his section shall have no protection in law under this act.

Sections shall be staked in alphabetical order.

SECTION 49. No person legally holding one of these sections shall be permitted to plant oysters thereon or take them therefrom, excepting between the hours of sunrise and sunset, and for every violation of this provision he shall be liable to a fine of ten dollars, and any person holding a section herein described who shall be found willfully taking the oysters from another section shall pay a fine of twenty dollars and forfeit his own section and all the oysters thereon, and shall not be permitted to have another license within the limits herein described.

Unlawful to take, or to plant oysters except between sunrise and sunset. Penalty.

Unlawful to take oysters from the section of another.

SECTION 50. If any person not having a licensed section within these limits shall be found willfully taking or destroying the oysters on any licensed section, he shall be summarily fined the sum of twenty dollars for each such offense, and any sheriff, constable, or other citizen, shall have the

Persons not licensed taking oysters from licensed section to be fined \$20.

OF FISH, OYSTERS AND GAME.

Arrest and hearing of offender. Justice may commit to jail. right to arrest such person or persons and take them before the nearest justice of the peace, who shall exact such fine, and if not paid the said justice shall send such person or persons to the county jail until it is paid or they are otherwise discharged by court.

Right of the accused to be heard in his own behalf. It is provided that such accused person or persons shall have the right to be heard in their own behalf and furnish evidence to prove their innocence, which the justice of the peace shall determine.

Boats and vessels to have name painted on stern. SECTION 51. *It is further provided* that all the boats and vessels engaged in removing oysters from any of these licensed sections must have plainly painted on their sterns, in black letters, on white ground, as large as on their stakes, the correct alphabetical numbers, or otherwise such boats and vessels may be seized and sold on condemnation before a justice of the peace, by any constable of Kent county, on ten days' notice being given in five public places in the hundred in which the offense has been committed; but nothing herein shall prevent an appeal to the court under the laws of this State.

Boat may be seized and sold for failure to comply. Notice. Appeal.

Fines and fees, to whom paid. SECTION 52. All fines and penalties accruing from the execution of this act, after deducting costs of suit, shall be paid to the collector of the oyster revenue and to go into the oyster fund, together with fees for all licenses under this act paid to him, and to be accounted for by him as other oyster revenue is accounted for by him under the laws of this State, and all acts and parts of acts inconsistent with the provisions of this act are hereby suspended from operation within the herein described limits.

How applied. Inconsistent acts suspended from operation

Unlawful to take oysters in Leipsic River, Dona River, Malon's River, St. Jones River, Little Creek, Murderkill River, for purposes of planting in Delaware Bay. SECTION 53. That from and after the passage of this act it shall be unlawful to take or catch by means of tongs, or in any manner whatsoever, for the purpose of planting in Delaware bay, or for the purpose of selling for planting purposes in the Delaware bay, any oysters from Leipsic river, formerly called Leipsic creek, Dona river, also called Dona creek, Malon's river, St. Jones river, Little creek, Murderkill river. For the purposes of this act the fast land on either side of a creek or river shall be considered to be and to form the mouth of such creek or river.

Unlawful to take from natural beds in bay or tributaries without license. SECTION 54. That it shall be unlawful for any person to catch or take, by means of tongs or otherwise (excepting by dredges, the requirement for licenses for which are hereinbefore provided), any oysters from any of the natural beds in the

OF FISH, OYSTERS AND GAME.

Delaware bay, or from any of the creeks or rivers that are tributary thereto, unless he shall have paid to the collector of the oyster revenue the sum of five dollars for a license to take or catch oysters from the natural beds of the said bay and its tributaries, together with the further sum of fifty cents to the collector as a fee for issuing the same, and has received from the said collector a license therefor. *Provided however* that persons catching or taking oysters for family use shall not be compelled to take out a license therefor; and persons catching or taking oysters for family use shall not take or catch for such use more than five bushels in any one day. Any person violating the provisions of this section, upon conviction before any justice of the peace in Kent or Sussex counties, shall be fined for each offense an amount not more than fifty dollars nor less than twenty-five dollars, and in default of payment of the said fine, together with the costs of the suit, the person so convicted shall be committed to the county jail for a period of thirty days. One-half of the said fine, when collected, shall be paid to the informant, and the other half paid to the collector, as part of the oyster revenue of the State.

Proviso for family use.

Conviction.

Punishment

SECTION 55. That it shall be unlawful for any person to catch in one day, for the purpose of sale or otherwise, from any of the aforesaid creeks and rivers, any quantity of oysters exceeding twelve bushels.

Unlawful to take more than twelve bushels in one day.

SECTION 56. That it shall be unlawful for any person to take or catch, in any manner whatsoever, for any purpose whatsoever, any oysters from any of the creeks or rivers of this State at any time after sunset and before sunrise. Any person violating the provisions of this section shall have imposed upon him the penalty provided for a like offense in Section 17.

Unlawful to take after sunset and before sunrise.

Penalty.

SECTION 57. That it shall be unlawful to dredge for oysters at any time of the year in any of the creeks and rivers tributary to the Delaware bay, or in Broadkill sound. And further it shall be unlawful to catch, gather or rake oysters in Broadkill creek and Broadkill sound by means or with the use of one-handled rakes. Any person convicted before any justice of the peace for violating the provisions of this section in relation to dredging shall be fined not more than fifty nor less than twenty-five dollars, and any one convicted of violating the provisions of this section in rela-

Unlawful to dredge at any time in creeks or rivers or in Broadkill Sound

Unlawful to use one handled rakes in Broadkill Creek and Sound.

OF FISH, OYSTERS AND GAME.

Fine.

To whom
paid.

tion to raking shall in like manner be fined ten dollars for each offense, in each case one-half of the fine imposed to be paid to the informant and the other half to the collector.

Unlawful to
take at cer-
tain times in
places
named.

SECTION 58. That it shall be unlawful for any person to catch or take any oysters in the following named creeks or rivers, to wit: Dona river or Dona creek, Simon's creek, Mahon's river, Leipsic river and Little creek between the last day of June and the first day of September, and in St. Jones river and Murderkill river between the fifteenth day of April and the first day of September, and in Mispillion river and Broadkilm creek and sound between the fifteenth day of April and the first day of September; *provided how- ever* that the citizens of this State, between the days specified, may take or catch for home consumption, from Dona river or Dona creek, Simon's creek, Mahon's river, Broadkilm creek and sound, Leipsic river and Little creek, a quantity of oysters not exceeding five bushels in any one day.

Proviso for
citizens for
home use.

License to
be numbered
and contain
name of per-
son to whom
granted

Boat to have
correspond-
ing number
on her side.

License to
authorize
use of one
boat.

But one
license to
the same
person.

License for
one year
only

Violation of
this act a
misde-
meanor.
Conviction.

Penalty.

Jurisdiction

Mode of
procedure.

SECTION 59. Each license issued by the collector aforesaid for the purpose aforesaid shall be numbered and contain the name of the person to whom said license is issued, and the boat used for the purpose of catching or tonging oysters for the purpose aforesaid shall have a number corresponding with the number of said license issued to the owner of said boat painted in black upon the side of the said boat above the water line in figures at least six inches long and one-half inch wide. The license so issued by the collector shall authorize the use of one boat, and but one license shall be issued to one and the same person. The said license shall last only one year and shall be renewed annually, and the like sum, as provided in Section 54 of this act, must be paid at the time of each renewal.

SECTION 60. Any person or persons who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than fifty dollars, and upon failure to pay said fine shall be imprisoned for a term not less than three nor more than six months. The justices of the peace of Kent and Sussex counties are clothed with jurisdiction to hear and determine all violations of this act, and the method and manner of procedure shall be the same as that prescribed in the act contained in Chapter 5, Volume 18, Laws of Delaware, herein incorporated as amended and revised.

OF FISH, OYSTERS AND GAME.

SECTION 61. That it shall be unlawful for any person, directly or indirectly, by himself, agent, employé, or any person whomsoever, to sell, or in any manner dispose of any oysters taken or caught from any of the creeks or rivers, or within the limits named by Section 53 of this act, to any person, his agent or employé, for the purpose of planting the same in Delaware Bay. Any person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any justice of the peace in Kent or Sussex counties, who are hereby clothed with jurisdiction to hear and determine all violations of this section, and to impose fines and imprisonments, shall be fined not less than twenty-five dollars, nor more than fifty dollars, and upon failure to pay said fine and the costs imposed shall be imprisoned for a term not less than three months nor more than six months, for each and every offense.

Unlawful to sell oysters taken from certain limits to be planted in the bay.

Misdemeanor.
Conviction.

Fine

Imprisonment.

SECTION 62. Any person convicted before a justice of the peace for violation of any of the provisions of this act shall have a right to appeal to the Court of General Sessions of the Peace and Jail Delivery of the State of Delaware for the county in which the conviction occurs: *Provided* that said appeal shall be taken in five days, and that security shall be taken to be approved by the justice in double the amount of the fines and costs imposed by the said justice, and upon such appeal being duly entered as in the case of other appeals in like cases it shall be the duty of the Attorney General to appear for the State and prosecute such case.

May appeal to court of General Sessions of the Peace and Jail Delivery.
Proviso.

Attorney General to appear for State.

SECTION 63. The revenue obtained from the issuing of licenses under this act shall be applied in the same manner as the revenue obtained from the laws relating to the oyster revenue, and the same commissions allowed the collector under the laws now in force shall likewise be allowed the collector under the provisions of this act.

Revenue: how applied

Commissions allowed Collector.

SECTION 64. All oysters caught in any river, creek or pond (excepting Simon's creek) tributary to the Delaware bay, shall be culled at the place where they are caught, and it shall be unlawful for any person entitled under the provisions of this act to take oysters from any river, creek or pond aforesaid, to take therefrom oysters less than two and one-half inches in length, and any person violating the provisions of this section shall, upon conviction before any justice of the peace of Kent or Sussex counties, be fined ten

Oysters caught in certain places to be culled and none less than two and one half inches in length to be carried away
Conviction.

OF FISH, OYSTERS AND GAME.

Fine. dollars for every such violation, one-half of said fine to be paid to the informant and the other half to be paid to the collector, to be by him accounted for as a part of the oyster revenue of the State.

Oysters less than two and one half inches in length not to be taken from natural beds except for planting. SECTION 65. It shall be unlawful for any person to catch, by means of tongs or otherwise, on any of the natural beds of the Delaware bay, oysters less than two and one-half inches in length, excepting for the purpose of planting; and it shall be unlawful for any person to sell oysters caught or taken from the natural beds of the Delaware bay, less than two and one-half inches in length, for any other purpose than planting.

Penalty for violation of these provisions.

Fines, to whom paid.

Any person violating either of the provisions of this section, upon conviction thereof before any justice of the peace in the State, shall be fined a sum not less than ten dollars or more than fifty, one-half of the said fine to be paid to the informant and the other half to be paid to the collector, to be by him accounted for in the manner hereinbefore provided.

Citizens may appropriate one acre of bottom of streams or waters for planting oysters.

Boundaries to be staked

Unlawful for others to take oysters therefrom; penalty.

Limitation as to Lewes Creek.

Provisions that do not apply to this section.

SECTION 66. Any citizen of this State may appropriate to his own use a part, not exceeding one acre, of the bottom of any of the streams or waters of this State for planting oysters; and having marked the same by stakes or other visible boundaries and planted oysters therein, it shall be unlawful for any other person to catch or take the oysters therein growing under penalty of forfeiting fifty dollars to the owner of such plantation. But no place shall be appropriated where oysters are already growing, or so as to impede navigation; nor shall more than forty feet square of Lewes creek, opposite Lewes, be appropriated by any person. The provisions of Section 4, Chapter 55, Revised [Code], as applied by this act, do not apply to this section.

Unlawful for non-residents to plant oysters in Indian River or Rehoboth Bay.

Penalty for violation of this section.

Fines, to whom paid.

SECTION 67. That from and after the passage of this act it shall be unlawful for any person who is not a citizen of this State to lay out or plant oysters in any of the waters of Indian river or Rehoboth bay, and any one so offending shall be deemed guilty of a misdemeanor, and on conviction thereof before any justice of the peace of Sussex county shall be fined for each offense the sum of one hundred dollars, and shall forfeit all oysters planted by him or them, the vessel used by him or them in the planting of said oysters and all and everything in and belonging to her. The one-half of said fine shall be paid to the informer, and the other half to the commissioner hereinafter appointed.

OF FISH, OYSTERS AND GAME.

SECTION 68. That when an affidavit is filed before said justice, charging that a violation of this statute has been committed by any one, and setting forth a description of the boat or vessel used by him or them so charged, the said justice shall issue a warrant directed to any constable of said county authorizing him to arrest the person or persons therein charged, and also to seize and hold said boat or vessel, and all and everything in and belonging to her, until the final order of the justice of the peace in the premises.

Justice of the Peace to issue warrant upon affidavit filed.

Shall authorize arrest of person and seizure of boat.

SECTION 69. That upon such conviction the said justice of the peace shall have the power and authority to commit any one so offending to the jail of Sussex county until said fine and all costs are paid, and also to issue an order to any constable of said county empowering and directing him to seize and sell said boat or vessel used by such offender in the planting of oysters in the waters aforesaid, and all and everything in and belonging to her, on ten days notice, posted in two of the most public places in each of the hundreds of Indian River, Dagsboro, and Baltimore; and that such sale shall convey to the purchaser or purchasers of said boat or vessel, and all and everything in and belonging to her, a good and valid title thereto.

Justice of the Peace may commit offenders to Sussex Co. Jail pending payment of costs.

Seizure and sale of boat.

Notice; how given.

Sale of boat shall give title.

SECTION 70. That the proceeds of said sale so as aforesaid made by the constable, after deducting the costs, which shall be retained by the said officer and paid to the parties entitled, shall be paid over to the commissioner hereinafter appointed. *Provided* that the parties defendant may appeal to the Court of General Sessions of the Peace and Jail Delivery, within ten days from the time when judgment was rendered, upon giving bond to the State, with security to be approved by the justice of the peace, of a sum double the amount of the fine imposed and the value of the property seized by the constable, conditioned that if the said appeal shall be prosecuted with effect then the same shall be void, otherwise to be in full force and effect. The proceedings shall be in the name of the State of Delaware, and upon the docketing of the appeal in the Court of the General Sessions of the Peace and Jail Delivery the Attorney General shall answer to the appeal and conduct the case for the State.

Proceeds of sale, how applied.

Defendant may appeal.

Bond, amount of, conditions of bond.

Proceedings to be in name of the State.

Attorney General shall appear for the State.

SECTION 71. That it shall be lawful for any citizen of the State to lay out or plant oysters in any of the waters of Indian river or Rehoboth bay, over an area not exceeding twenty acres, for which he shall pay to the commissioner

Citizens may plant 20 acres in Indian River or Rehoboth bay.

OF FISH, OYSTERS AND GAME.

Fees to be paid commissioner, when to be paid.

Plantation, how marked

Oysters and increase the property of planter.

Citizens may appropriate 20 acres of the bottom of Indian River or Rehoboth Bay for oyster planting.

Oysters the property of the planter.

Planter shall file plot with Commissioner.

Shall plant 50 bushels upon each acre within 6 months. Affidavit, where recorded

Forfeiture of rights by failure to file papers.

Privileges of planter, limit of

Oysters, subject to execution process.

hereinafter appointed, annually, the sum of fifty cents for each acre as rent for the ground so held by him, the first payment of the said tax to be made within one month after he shall stake off the area aforesaid. The said area shall be marked or designated by stakes as provided in the next section of this act, and the oysters deposited within said stakes, and their increase, shall be the private property of the said planter, and shall be protected as is hereinafter provided.

SECTION 72. That any citizen of the State may appropriate to his own use a part not exceeding twenty acres of the bottom of Indian river or Rehoboth bay for planting oysters, which part he shall designate by corner stakes to show at least two feet above the ordinary high water mark and not to be obstructive of navigation. It shall be the possession of the planter or planters, and the oysters to be deposited therein and their increase shall be his or their private property. *Provided* that any such citizen so intending to appropriate any such part of the bottom of said Indian river or Rehoboth bay shall, within thirty days after he has so as aforesaid staked off the area which he intends to use for planting oysters, file with the commissioner hereinafter appointed a sufficient plot and description of said area whereby the same may be known and located, reference being made in plot and description to natural objects, or to artificial boundaries erected or fixed on the shore or shores of said Indian river or Rehoboth bay; *and provided* he shall, within six months after he has so as aforesaid staked off the area as aforesaid, plant therein fifty bushels of oysters on each acre of his area and make affidavit that he has so deposited or planted said quantity of oysters within said area; said affidavit to be appended to the aforesaid plot or description and recorded therewith in the office aforesaid. If he shall fail to file a plot and description and affidavit, or deposit or plant said quantity of oysters within the time aforesaid, he shall forfeit all right, title and claim to the area aforesaid, and the same may be appropriated for the purposes aforesaid by any other citizen of said State.

SECTION 73. That the privilege granted by this act shall not be construed to convey any other right than that to plant oysters or hold them as property, which shall be liable for the debts of the person so as aforesaid appropriating any of said area aforesaid, and any levy and sale under execution process of the area of any defendant in such process shall

OF FISH, OYSTERS AND GAME.

convey to the purchaser the same right to use the said area for oyster planting purposes that the defendant had and owned and all the oysters thereon planted at the time of said sale.

Sale to convey right to use of beds.

SECTION 74. That if any person or persons shall take and carry away from the area or plantation of another, so as aforesaid appropriated to his use, any oysters being within the limits thereof without the consent of the owner thereof, he shall be deemed guilty of larceny, and upon conviction thereof be punished accordingly, and it shall be no objection to a prosecution for larceny in such a case that the act was done openly.

Carrying away the oysters of another deemed larceny.

SECTION 75. That nothing in this act contained shall be construed to give any one the right to plant oysters within the territory of "The Frankford Oyster Planting Company," a corporation created by an act of the General Assembly of this State, passed at Dover, March 31, 1881, or of "The Indian River and Rehoboth Bay Oyster Planting Company," a corporation created by an act of the General Assembly of this State, passed at Dover, March 23, 1875, and amended March 1, 1877, or in any way to alter, amend, revoke or abridge any of the rights and privileges granted to the aforesaid companies or any other companies duly incorporated by the Legislature and under the laws of the State of Delaware.

Territory of certain companies exempt from scope of this act

Rights of other companies not to be abridged.

SECTION 76. In order to carry into effect the provisions of this act in relation to Indian river and Rehoboth bay there shall be an officer known as Commissioner of Oyster Planting in Indian River and Rehoboth Bay, to be appointed by the Governor. The person who held the said office of commissioner immediately prior to the passage of this act shall continue in office for two years from the date of his commission, unless he be removed by the Governor upon sufficient cause shown to him therefor. It shall be his duty to collect and receive from each person who has appropriated any portion of the bottom of Indian river or Rehoboth bay, as is hereinbefore provided, each and every year, the sum of fifty cents for each and every acre so as aforesaid appropriated for oyster planting purposes; to keep a proper record, in which he shall record all the plots and description of the different areas appropriated under the provisions of this act; that said office shall continue for the term of two years; that he shall receive

Commissioner of oyster planting in Indian River and Rehoboth Bay appointed by Governor.

Duty of Commissioner.

Records to be kept.

Term of office two years.

OF FISH, OYSTERS AND GAME.

Compensation of Commissioner.

Shall pay funds to State Treasurer.

Provisions of Chap 551, Vol. 19 not affected.

Rights of incorporated companies not abridged

This act not to apply to Chap. 135, Vol. 19, Laws of Delaware.

Acts and duties heretofore performed.

Duties not to be performed anew.

Certain acts repealed, but shall remain in force for purposes of final disposal of proceedings already begun

Appeal bonds to continue in force till final settlement.

for recording each plot and description the sum of fifty cents, to be paid by the party requesting the same to be recorded; that he shall retain as compensation for his services the one-half of the revenue paid him by those who take up or appropriate certain areas for oyster planting purposes, and that he shall annually pay over to the State Treasurer all other moneys so as aforesaid received by him.

SECTION 77. That nothing in this act shall be construed to relate to or effect Chapter 551, Volume 12, Laws of Delaware, entitled "An act requiring a license for the carrying on of the business of opening oysters for the purpose of exportation from this State."

SECTION 78. That nothing in this act shall be construed to revoke, alter or amend the charters, rights or privileges of any company heretofore incorporated by this State for the purpose of planting, dredging, or otherwise dealing in oysters.

SECTION 79. That nothing in this act shall be construed to relate to, alter or amend the act entitled "An act to foster the oyster interest in this State," Chapter 135, Volume 19, Laws of Delaware.

SECTION 80. That the acts required to be performed in the beginning of, or putting into operation the laws hereby repealed and reenacted, other than acts and duties that are by the said laws required regularly to be performed, so far as they have been performed by the person or officers upon whom the duty was imposed, shall be taken to be and remain of full force and effect under this act, and such acts having been done and performed shall not by any wording of this act be required to be performed anew.

SECTION 81. All acts and parts of acts which are supplied by this act be and the same are hereby repealed, made null and void; saving and excepting however that all the provisions of said acts shall remain in force for the purpose of continuing, maintaining and prosecuting to final judgment and execution any proceedings that may have been commenced for violation of any of the provisions of said acts, including any and all appeals that may have been taken or entered in any of the said proceedings, and the appeal bonds that may have been taken in any appeals shall continue in full force and effect, and suit thereon may be

OF FISH, OYSTERS AND GAME.

commenced and prosecuted to final judgment and execution; and saving and excepting further that the official bond of any collector who may have held the office of collector prior to the passage of this act shall continue in force, and such collector and his sureties therein shall continue liable for any breach or breaches of any of the conditions of the said bond. The said bond may be proceeded on to final judgment against the principal and sureties therein for any breach of condition thereof.

Collector's bond to continue in force.
Bond may be proceeded on.

SECTION 82. It shall be the duty of the Secretary of State, as soon as conveniently may be after the passage of this act, to cause three hundred copies of this act to be printed, and to deliver the same, when printed, to the collector appointed under this act, and the said collector is hereby directed to furnish one copy of this act to any boat or vessel licensed under this act, and he shall also supply one copy to any captain or master of an unlicensed oyster boat or vessel who shall apply to him for the same; but no neglect or failure of the collector in this respect shall exonerate or excuse any one violating any of the provisions of this act.

Secretary of State to have printed 300 copies of this act.
Copies of law; to whom furnished.

Passed at Dover, April 19, 1893.

CHAPTER 654.

OF FISH, OYSTERS AND GAME.

AN ACT to amend Chapter 137 of Volume 19, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. Amend Chapter 137 of Volume 19 of the Laws of Delaware by striking out the words "Wilson or English snipe," in the fifth line of Section one.

Chapter 137, Volume 19, amended.

Passed at Dover, May 2, 1893.

OF FISH, OYSTERS AND GAME.

CHAPTER 655.

OF FISH, OYSTERS AND GAME.

AN ACT for the Protection and Preservation of Game in this State,
and for other purposes.

*Be it enacted by the Senate and House of Representatives
of the State of Delaware in General Assembly met:*

Unlawful to
take, kill, or
have in pos-
session any
quail, part-
ridge or
pheasant
before Nov.
1, 1894.

SECTION 1. Strike out all of Section 1 of Chapter 507, Volume 17, Laws of Delaware, down to the word "or," in the eighth line, and insert in lieu thereof the following: "That from and after the passage of this act it shall be unlawful for any person in the State of Delaware to hunt, kill, take or destroy, sell, or expose for sale, or have in his or her possession, after the same has been killed, any partridge, quail, or pheasant, before the first day of November, A. D. 1894; and from and after November first, 1894, it shall be unlawful to hunt, kill, take or destroy, sell, or expose for sale, after the same has been killed, any partridge, quail, or pheasant, except between the first day of November and first day of January in each year, or to hunt, kill, take or destroy, sell, or expose for sale, or have in his or her possession, after the same has been killed, any rabbit, or hare, except between the first day of November and the first day of January in each year.

Limit of
gunning
season.

Unlawful to
kill ducks on
the marshes
in the night
time.

SECTION 2. That from and after the passage of this act it shall be unlawful to shoot or kill by firearms any species of ducks on the marshes in or bordering on this State in the night time, that is to say, from one hour after sunset to one hour before sunrise; any person violating the provisions of this act shall be fined as prescribed in Section 5, Chapter 507, Vol. 17, Laws of Delaware.

Penalty for
violation of
act.

Unlawful to
purchase for
profit or sale
quail, part-
ridge or
pheasant.

SECTION 3. That from and after the passage of this act it shall be unlawful for any person or persons within this State at any time to buy, for purposes of profit or sale, any partridge, quail, or pheasant, and all acts or parts of acts authorizing the issuing of licenses to dealers in said birds be and the same are hereby repealed as far as they relate to the buying of said birds. Any person or persons violating the provisions of this section shall be fined as prescribed in Section 5, Chapter 507, Vol. 17, Laws of Delaware.

Laws re-
pealed.

Penalty for
violations of
this section.

OF FISH, OYSTERS AND GAME.

SECTION 4. All acts or parts of acts inconsistent herewith are hereby repealed.

Inconsistent
acts re-
pealed.

SECTION 5. That any persons charged before a justice of the peace with a violation of any of the provisions of this act shall have the right of appeal to the Superior Court for the county wherein the hearing before the justice of the peace shall take place. Such appeal shall be allowed by the justice at any time within fifteen days from the day of giving the judgment and not after, counting the day as one, upon the party entitled to the appeal, or his agent or attorney, praying it and offering sufficient security in such sum as the justice shall deem sufficient to cover the judgment appealed from and the costs on the appeal. The justice shall make an entry thereof as follows :

Defendants
right of ap-
peal.

Appeal.

Security to
be given on
appeal.

"On the — day of — 18 —, the said — — — — — Justice's
appeals, and — becomes surety in the — sum of — — — — — entry of
that the said appeal shall be prosecuted with effect, and also appeal.
that any judgment which shall be rendered against the said
— or his executors or administrators, upon said appeal, shall
be satisfied ;" which entry shall be signed by the sureties or
it shall be void. When signed it shall be an obligation of Entry, by
record to the extent of the sum therein expressed, bind sure- whom sign-
ties and their executors and administrators, jointly and sev- ed.
erally, to satisfy any judgment that shall be rendered on the Entry, when
appeal against the party appealing, or his executors or ad- signed, an
ministrators, and if the appeal shall not be duly entered in obligation of
court, or shall be dismissed, then to satisfy the judgment ap- record;
pealed from with all costs on the appeal. Action of debt effect of.
may be sustained on such entry before a justice, if the de- Action upon
mand shall not exceed two hundred dollars, or if above that "entry",
sum in court, or if the appeal shall not be entered, or shall how brought
be dismissed, execution may be issued against the defendant and sus-
and surety according to Section 14, Chapter 99 of the Revised tained.

Passed at Dover, May 4, 1893.

OF FENCES.

CHAPTER 656.

OF FENCES.

AN ACT to amend Chapter 57 of the Revised Statutes of the State of Delaware.

Section 1,
Chapter 57,
Revised
Code,
amended.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:* That Chapter 57 of the Revised Code be and the same is hereby amended by inserting in the first line of Section 1, after the word "wood," the following words: "iron or wood, and iron rods or wire"; *provided* that barbed wire shall not be used for division fences except by the mutual consent of the owners of the properties divided by such fences.

Passed at Dover, May 3, 1893.

CHAPTER 657.

OF STRAYS.

AN ACT to Prohibit Live Stock from Running at Large within the limits of this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That it shall not be lawful, from and after the passage of this act, for any live stock to run at large on the public highways or uninclosed lands within this State.

Lawful for
residents
and land
owners in
this State to
take up and
impound
stock found
at large.

SECTION 2. It shall be lawful for any person resident or owning land in this State to take up any live stock found running at large upon the public highways or uninclosed lands, within the limits of the hundred in which he resides or owns lands, and impound the same, and he shall have the right to demand and receive the sum of one dollar for every animal so taken up and twenty-five cents per head for every

OF STRAYS.

day such animal is kept, and may retain the same until all legal charges are paid; *provided* that said person taking up and impounding said live stock shall forthwith give written notice of such taking up and impounding to the owner or owners thereof, if known, or by leaving said notice with an adult person at his or their usual place of abode; or, if unknown, by posting written or printed notices in five or more of the most public places in the school district in which said stock was taken up.

May demand one dollar per head and twenty-five cents per day for stock impounded.
Notice to owners of stock, how served.

Any person or persons taking up and impounding stock under the provisions of this act, who shall refuse or neglect to give notice, as herein provided, shall be liable to the owner or owners of such stock in civil damages, to be recovered in an action of trespass *vi et armis* before a justice of the peace of the county in which said stock was taken up.

Refusal to give notice shall subject impounder to damages.
How recoverable.

SECTION 3. That any justice of the peace of the county in which said stock is taken up, upon the application of any person, or his agent, sustaining any damage by reason of such stock running at large contrary to the provisions of this act, shall appoint three suitable freeholders, who shall estimate said damages and make report to said justice, in writing, under their hands, or the hands of a majority of them, the amount of damage estimated, and the justice shall immediately give notice thereof to the parties interested. The damages so ascertained, together with the legal charges for impounding and keeping said stock, and one dollar each to the justice of the peace and the freeholders for their services, shall be paid by the person claiming said stock before the same shall be delivered.

Justice of the Peace, upon application made, shall appoint freeholders to assess damages.

Notice to parties interested.
Damages and costs to be paid by person claiming stock.

SECTION 4. That in case said stock is not claimed and all legal charges satisfied in accordance with this act, within ten days, the person having said stock in charge shall advertise the same to be sold, at public sale, by not less than five written or printed notices, fixing the time and place for said sale and posted for ten days prior to said sale in five or more conspicuous places in the hundred in which said stock was taken up, giving a copy of said notice to the owner or owners of said stock, if known, or by leaving the same with an adult person at his or their usual place of abode. At the time fixed in said advertisement he shall proceed to sell the said stock, but may postpone the said sale for good and sufficient cause. The proceeds of said sale, after deducting all legal charges,

Stock shall be sold if not claimed within ten days.
Sale shall be public, after advertisement.
Notices of sale, how posted.
Notice to owner, how served.
Sale may be postponed for cause.

OF STRAYS.

Proceeds of sale to be deposited with Clerk of the Peace to be paid to owner of stock. To be paid to School Dist. if not claimed within one year.

as hereinbefore mentioned, shall be deposited with the Clerk of the Peace of the county in which said proceedings took place, who shall hold the same for one year, unless sooner claimed by some person proving himself to be the real owner of said stock; if not so claimed, it shall be subject to and paid over on the order of the clerk of the school district in which said stock was taken up, to be devoted to school purposes of said school district.

Act not to apply to stock in charge of drovers.

Proof of accidental escape to be admitted.

SECTION 5. That the provisions of this act shall not be construed to apply to cattle or other stock in charge of a drover or drovers using due diligence in the control thereof, or to such cattle or other stock which may accidentally escape from the enclosures, and proof of the above shall always be admitted that no injustice to the owners may be inflicted in consequence thereof.

Stock running at large upon salt marsh to be exempt.

SECTION 6. Any stock of owners or occupiers of any portion of the salt marshes in this State, when running at large upon the said salt marshes, shall be exempted from the provisions of this act.

Stray laws heretofore passed repealed.

SECTION 7. All laws or parts of laws heretofore passed relative to strays in this State are hereby repealed.

Passed at Dover, March 2, 1893.

CHAPTER 658.

OF STRAYS.

AN ACT exempting certain School Districts from the General Stock Law of this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

School Districts Nos. 5, 116, 4, 127, 1 and 174 exempt from provisions of stray laws herein referred to.

SECTION 1. That from and after the passage of this act, School Districts Nos. 5 and 116, known as "Prime Hook," School Districts Nos. 4 and 127, known as "Slaughter Neck," and School Districts Nos. 1 and 174, known as

OF DITCHES.

"Cedar Neck District," in Sussex county, Delaware, be and they are hereby declared exempt and free from the provisions of an act entitled "An act to prohibit live stock running at large within the limits of this State." And the law in relation to stock and strays governing the said districts prior to and repealed by the act aforesaid are by this act revived and made of full force and effect.

Laws relating to strays re-enacted so far as they apply to these districts.

Passed at Dover, May 2, 1893.

CHAPTER 659.

OF DITCHES.

AN ACT to incorporate the Vines Branch Ditch Company.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

SECTION 1. That all persons who are now or may become taxables of said ditch company, within the hereinafter described limits, be and they are hereby declared to be a body corporate, for the purpose in this act mentioned, by the name, style and title of "The Vines Branch Ditch Company," and shall have succession for twenty years, and by that name may sue and be sued, plead and be impleaded in any court of law or equity in this State, and shall have, possess and enjoy all powers and privileges incident and common to such corporations, excepting banking powers.

Taxables of ditch company declared to be a body corporate.
Title.

Corporate powers.

SECTION 2. That the taxables hereby incorporated shall comprise all taxables on the part of the line of what is known as the Vines Branch Canal, commencing at the ending of what is known as "The Vines Branch Extension Ditch Company," on lands of the heirs of John Hickman, dec'd, and extending thence through the lands of John A. Gum, heirs of Manean Gum, John T. Long, Capt. Ebe T. Williams, Joseph B. Bunting, Eber D. Long, Elizabeth A. Layton, Peter R. W. Hudson, and terminating at a bridge

Whom declared to be taxables.

OF DITCHES.

on the lands of John T. Long on a certain prong leading to F. M. Gum's land.

Eber D. Long and James J. Williams appointed managers until annual meeting; may appoint a treasurer. SECTION 3. That until the annual meeting, hereafter provided for, Eber D. Long and James J. Williams be and they are hereby appointed managers of the said ditch hereby incorporated, and the said managers are hereby authorized to appoint a treasurer, who shall serve until the said annual meeting.

Managers authorized to levy a tax. SECTION 4. The said managers are hereby authorized and empowered to levy a tax, if such be needed, on all the taxables on said ditch and its unincorporated branches, using as a basis for their taxation the assessment made by the commissioners, Jacob M. Holloway, William L. Hudson and William S. McCabe, who were appointed by the Superior Court of Sussex county, and the said managers shall complete the said ditch as per level taken by B. F. Wagamon, a surveyor, in the year 1892.

Basis of taxation.

Ditch to be completed by a certain level taken.

Managers may cleanse a certain old prong of ditch. SECTION 5. The said managers are hereby authorized and empowered to cleanse to the old bottom a certain prong, beginning at a certain bridge on the lands of John T. Long and ending at or near the prong known as F. M. Gum's five feet prong; *Provided however* that the cost of cleansing said prong shall not be more than twenty dollars, (\$20).

Cost of cleansing not to exceed \$20.

Company shall meet at Frankford the first Saturday in April annually. Officers to be chosen at the annual meeting. Term of office. Adjourned and occasional meetings. SECTION 6. That the persons composing said company shall meet at Frankford, in Dagsboro hundred, on the first Saturday in April, in every year, at two o'clock in the afternoon, and shall name one or more suitable person or persons from said owner or owners of land or lands within the limits of said incorporation, to be managers, and also a secretary and treasurer, who shall hold their offices respectively for one year and until their successors are duly chosen. The said company may hold adjourned meetings or occasional meetings.

Notice of meeting. Public notice shall be given by the managers of annual or occasional meetings at least ten (10) days before the holding of said meeting. Each member of the said company shall be entitled to one vote for each dollar or fractional part of a dollar of tax assessed against him or her, either in person or proxy duly executed under hand and seal and attested by two witnesses.

Voting.

Proxy.

OF DITCHES.

SECTION 7. That the treasurer shall collect all sums under and by virtue of the act, and shall have the same power herein as county collectors of county rates. He shall give bond to the company before entering upon the duties of his office for a sum double the amount of taxes assessed, conditioned for the faithful performance of duties in respect to the collection of said taxes and for the payment to his successor of any money due from him.

Power of
treasurer to
collect taxes

Bond of
treasurer.

SECTION 8. That, if at the annual meetings of the said company, said taxables, or a majority thereof, shall vote to raise by taxation a sum for the improvement of said company, the managers are hereby authorized and empowered to levy a sum sufficient for the improvement of said ditch; when made shall be final and conclusive. The said Eber Long and James J. Williams, and the treasurer whom they may appoint, shall settle with the treasurer for work done on "Vines Branch Canal" in the year 1892, and shall receive all moneys due the said "Vines Branch Canal," and collect all uncollected taxes due said "Vines Branch Canal," and expend the same on said "Vines Branch Ditch Company."

Funds to be
raised by
taxation.

Eber Long,
James J.
Williams
and "the
treasurer,"
authorized
to settle for
work on
"Vines
Branch
Canal."

Money due
"Vines
Branch
Canal," by
whom re-
ceived.

SECTION 9. Before entering upon the discharge of their duties imposed by this act the said managers shall be sworn or affirmed to faithfully and impartially perform the same.

Managers
shall take
oath of office

The acts of a majority of the managers of said ditch shall be deemed and taken to be the acts of the whole. When the managers of said ditch can't agree then the treasurer of said ditch shall have the deciding vote. The fees of said managers shall be one dollar per day for each and every day's actual service performed by them under this act.

Majority of
Managers
may act.

Treasurer to
have decid-
ing vote.

Compensa-
tion of
managers.

SECTION 10. That all acts and parts of acts inconsistent with this act are hereby repealed.

Inconsistent
acts re-
pealed.

Passed at Dover, March 30, 1893.

OF DITCHES.

CHAPTER 660.

OF DITCHES.

AN ACT to revive, renew and re-enact the "Act incorporating 'The Wright's Marsh Ditch Company.' "

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

"The Wright's Marsh ditch Company" revived.

Corporate powers.

Commissioners appointed to make an appraisement.

Appraisement to be the basis of tax levied.

Commissioners shall lay out ditch.

Certificate, contents of.

Certificate to be recorded.

Certificate shall be final.

SECTION 1. That the act entitled "An act for the benefit of the owners of lands on 'Wright's marsh, in Kent county,' " passed at Dover, March 3, 1853, and all supplements thereto, are hereby revived, renewed and re-enacted, and the said "The Wright's Marsh Ditch Company" is hereby declared to be continued as a corporation, with all the rights, powers and franchises conferred thereon by any law of this State, and shall continue as such corporation for the period of twenty years from the passage of this act.

SECTION 2. That William Virden, George H. Short and David S. Clark be and they are hereby appointed commissioners to go upon and view all the lands that in their judgment will be benefited by the provisions of said act, and having ascertained all the owners make an appraisement thereof, having regard to the amount of benefit to be received by the said owners respectively, which said appraisement shall be the valuation upon which the taxes with which said lands shall be chargeable shall be assessed and levied; the said commissioners shall also lay out the ditch or ditches proper to be cut by the said company under this act, and they shall, upon the performance of the above duties, make a certificate, under their hands, or the hands of a majority of them, containing the names of the several owners of the said lands so appraised by them, the appraisement or valuation made and a description of the ditch or ditches which they shall direct to be cut; and they shall return the said certificate to the Recorder of Kent county, to be recorded, and delivered, when recorded, to the managers of the company for the time being, to be kept among the papers of the company. The said certificate shall be final and conclusive, and the record of the same, or a duly certified copy thereof, shall be competent evidence. And further, the said commissioners

OF DITCHES.

shall estimate the probable expense of cutting and completing the extended ditch or ditches, and certify, under their hands, or the hands of a majority of them, the said estimate and deliver the same to the managers for the time being.

Certificate of "probable cost" to be delivered to managers.

SECTION 3. If any of the aforesaid commissioners shall die, resign, remove from Kent county, or refuse to act, before all the duties prescribed by this act have been performed, the said company may, at any of its meetings, supply the vacancy or vacancies by the selection of another or other commissioners, as the case may be, and so from time to time, until all the duties of the said commissioners under this act shall have been performed. The acts of a majority shall be as valid as if all agreed, but all must act. The first annual meeting of the company after the passage of this act shall be held on the third Saturday in April, in the present year, at such place in the village of Hartley, Kent county, Delaware, as the commissioners herein named shall direct; they giving ten days written notice of such place prior to the day of meeting; such notice to be posted in at least five of the most public places in the vicinity of the several taxables of said company.

Vacancies in the commission, how filled.

Acts of a majority valid.

First meeting; when and where to be held.

Notice of meeting.

SECTION 4. Each of the commissioners, before he enters upon the duties required of him by this act, shall be duly sworn or affirmed to discharge the said duties faithfully and impartially, according to the best of his skill or judgment. And for each days service under this act he shall be paid by said company the sum of one dollar.

Commissioners shall be sworn.

Compensation of commissioners.

SECTION 5. This shall be deemed and taken to be a public act.

Passed at Dover, March 31, 1893.

OF DITCHES.

CHAPTER 661.

OF DITCHES.

AN ACT to amend the act entitled "A Supplement to an act authorizing the owners and possessors of the marsh and low grounds, commonly called and known as Tappahannah Marsh, situated in the forest of Dover Hundred, in Kent County, to cut a ditch or drain through the same," passed at Dover.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the legislature concurring):*

That said act be and the same is hereby amended by striking out the words "In the same manner and by the same means as debts under fifty dollars are recoverable by law of this State to be recovered," in line thirty-eight of Section 1 of the enrolled copy thereof, and inserting in lieu thereof the following words, to wit: "And collected in the same manner and by the same means as county taxes are collectible by the laws of this State."

Taxes to be collected as county taxes are.

Passed at Dover, April 4, 1893.

CHAPTER 662.

OF DITCHES.

AN ACT to incorporate the Vines Branch Extension Ditch Company.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein, as follows):

SECTION 1. That all persons who are now or may become taxables of the said ditch company be and they are hereby declared to be a body corporate for the purpose in this act mentioned, by the name, style and title of "The Vines Branch Extension Ditch Company," and shall have succes-

Taxables of the company declared a body corporate.

OF DITCHES.

sion for twenty years, and by that name may sue and be sued, plead and be impleaded in any court of law or equity in this State, and shall have, possess and enjoy all powers and privileges incident and common to such corporations, excepting banking powers.

SECTION 2. That Edward W. Houston, Capt. George Johnson and James K. Rickards be and they are hereby appointed commissioners to go upon and view the said low-lands and low grounds through which the said ditch or ditches shall go, and which will be benefited thereby, and ascertain the quantity of low lands and low grounds which will be benefited by the ditch or ditches to be opened by this act, and to lay out and locate and direct to be cut and opened a main ditch, beginning at a point below what is known as "Fosque's Milldam," as the said commissioners may deem necessary to effectually drain the lands and low grounds aforesaid, and then following the said "Vines Branch Extension Canal," terminating on the lands of the heirs of John Hickman, where the said ditch connects with Vines Branch Canal.

They shall also determine the width and depth of the ditch or ditches by them directed to be cut and opened, and make a valuation and an assessment of all the lands and low grounds which will be benefited by the opening of the said ditch or ditches, and according to the amount of benefit to be derived therefrom : *Provided however* that the main ditch shall not be wider than twenty-two feet. If the said commissioners shall be of the opinion that any person will be injured by the making of any ditch or ditches they shall assess and award to such person damages to the amount of such injury, after taking into consideration all the advantages to be derived therefrom, and the same shall be paid or tendered before the cutting of said ditch or ditches, or deposited in the Farmers' Bank of the State of Delaware, at Georgetown, to the credit of such person or persons. The said commissioners shall make a report and a return of all of their proceedings under this act to the recorder of deeds in and for Sussex county, to be by him recorded as soon as practicable after they shall have performed their duties herein imposed.

Before entering upon the discharge of their duties imposed by this act the said commissioners shall be sworn or affirmed to faithfully and impartially perform the same.

OF DITCHES.

Powers of majority. The acts of a majority of said commissioners shall be deemed and taken to be the acts of the whole touching the duties required of said commissioners.

Lists of owners of grounds included in company's operations to be posted. **SECTION 3.** That the said commissioners shall also make out, under their hands or the hands of a majority of them, five lists, containing the names of the owners of the low grounds included in the said company's operations, the quantity of acres owned by each, the valuation of the same, and the cost of opening and making the ditch or ditches for the improvement of the same, and they shall cause one of those lists to be hung up at each of the five most public places in the neighborhood of the said low lands, with a notice thereon that they will sit as a board of appeals at Frankford, in Dagsboro hundred, at ten o'clock in the forenoon, on some day not less than ten days from the day of giving such notice, to hear and determine appeals from said estimate of said quantity, valuation and cost, and they shall sit at that time and place and hear all appeals that may be there made from their action, and determine upon the same, which determination, when made, shall be final and conclusive upon all parties; when the said appeals shall have been heard and determined, the said commissioners shall give notice of that fact, in writing, under their hands or the hands of a majority of them, in like manner as is provided in this section, and appoint a day and place when and where the said company shall meet to commence operations under this act by the election of their officers and the transaction of the other business thereof. And the said company shall, on that day, which shall be the day of the first meeting, proceed with and perform the business provided to be transacted at its annual meeting. The fees of said commissioners shall be two dollars each for every day's actual service performed by them under this act.

Contents of lists.

Board of appeals; meeting of.

Decision of appeal shall be final.

Commissioners to appoint time and place of election of officers.

Fees of commissioners.

Managers, secretary and treasurer, when chosen. **SECTION 4.** That the persons composing said company shall meet at Frankford, in Dagsboro hundred, at a time when the commissioners named in this act may name, for the purpose of choosing from said owners of said low lands and low grounds one or more suitable person or persons to be managers, and also a secretary and treasurer, who shall hold their offices respectively for one year, and until their successors are duly chosen, and that thereafter the time for holding the annual meeting shall be on the first Saturday of April, in every year, at two o'clock in the afternoon, at Frankford, in the hundred aforesaid. It shall be a necessary qualifica-

Annual meeting, when and where held.

OF DITCHES.

tion to be selected for or to hold any office or position provided for in this charter that the person or persons so selected or chosen to fill the office or offices aforesaid shall live upon or own the lands that border upon or are contiguous to or the waters from which drain directly into the Vine Branch extension ditch, and not otherwise. The manager or managers, chosen as aforesaid, shall receive as compensation for their services the sum of one dollar per day for each day actually engaged at work upon the said ditch.

Offices; who eligible.

Compensation of managers.

The said company may hold adjourned meetings or occasional meetings.

Occasional meetings.

Public notice shall be given by the managers of annual and occasional meetings at least ten days before the holding of such meetings. Each member of the said company shall be entitled to one vote for each dollar or fractional part of a dollar of tax assessed against him, either in person, or proxy duly executed under hand and seal and attested by two witnesses.

Notice of meetings.

Voting.

SECTION 5. That the manager or managers chosen aforesaid shall proceed to make or open the ditch or ditches laid out and returned by the commissioners aforesaid when directed by the said company, or to cleanse or repair the same as may be necessary, and shall have all needful powers for that purpose. They shall keep regular accounts of all the expenditures and shall render the same to the annual meeting of said company. All payments shall be made by orders drawn by them on the treasurer, and the ditch or ditches so opened shall be kept open and in good condition for the benefit of those liable to contribute therefor. If any person shall obstruct any ditch or ditches cut under this act he shall forfeit and pay to the managers, for the use of the said company, ten dollars, to be collected by the treasurer of the said company.

Managers to open ditches

Accounts; how kept.

Payments; how made.

Penalty for obstructing ditch.

SECTION 6. That the treasurer shall collect all sums under and by virtue of this act, and shall have the same power herein as county collectors of county rates. He shall give bond to the company before entering upon the duties of his office for a sum double the amount of taxes assessed, conditioned for the faithful performance of duties in respect to the

Power of treasurer to collect taxes.

Bond of treasurer.

OF DITCHES.

collection of said taxes and for the payment to his successor of any money due from him.

Inconsistent
acts re-
pealed.

SECTION 7. That all acts or parts of acts inconsistent with this act are hereby repealed.

Passed at Dover, April 5, 1893.

CHAPTER 663.

OF DITCHES.

AN ACT to renew and re-enact the several acts incorporating "The Kent and Sussex Ditch Company," and to amend the same.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein), as follows, viz :

Commis-
sioners ap-
pointed to
view low
grounds,
make a val-
uation and
locate cer-
tain ditches.

SECTION 1. That William Tharp, of Kent county, and Charles P. Tatman and Amos J. Stayton, of Sussex county, be and they are hereby appointed commissioners to go upon and view the low grounds lying on the northeast branch of Nanticoke river and its tributaries (except so much of the low grounds as are drained by Cart branch, a tributary thereof, and which are excluded from the operation of this act), from the headwaters of such northeast branch and its tributaries to the head of the millpond called Carmon's mill, the said low grounds lying partly in Kent county and partly in Sussex county; and the said commissioners are hereby authorized and empowered to make a valuation of all the low grounds aforesaid, and enter upon, view and examine the same, and ascertain and determine the width, depth and location of the ditches and drains now cut and opened and controlled by the said "The Kent and Sussex Ditch Company;" and shall ascertain all the owners of said low grounds, the quantity held by each owner or by joint owners (if any be held undivided), and shall appraise and determine the benefit and advantage which each owner or joint owner

OF DITCHES.

as aforesaid will derive and receive by reason of the cleansing, repairing and scouring of any such ditch or drain, having regard to the value of the said low grounds prior to said cleansing, scouring and repairing, and the value thereof after the cleansing, scouring and repairing of the same, so that the said appraisement and valuation may do equal justice to all the owners of said low grounds; and the said commissioners shall make two certificates, under their hands, or the hands of a majority of them, showing by general description the ditches and drains by them determined as aforesaid, the names of the respective owners of said low grounds, the quantity held by each owner or by joint owners (if any be held undivided), and the appraisement of the benefits, profits and advantages to be derived by each owner so by the said commissioners made as aforesaid.

Certificates of commissioners, contents of.

SECTION 2. When the said commissioners shall have done and completed their said duties as hereinbefore prescribed, they shall return one of said certificates to the recorder of deeds in and for Kent county, to be by him recorded, and the other to the treasurer of the said company. *Provided however* that before said returns shall be so made the said commissioners shall convene the taxables at some convenient place in the neighborhood to hear and determine any and all objections to said appraisement. Notice of the time and place of such meeting shall be given by advertisements posted in five public places of the neighborhood six days before the meeting.

Return of commissioners to be recorded.

Meeting of taxables.

Notice of meeting.

SECTION 3. Such certificates, so returned as aforesaid, shall be final and conclusive, and shall remain in force for seven years as the basis of assessment, and until a new appraisement and valuation shall be made as hereinafter provided.

Certificates conclusive for seven years.

SECTION 4. That the said "The Kent and Sussex Ditch Company" shall, whenever a majority of all the members so determine at any annual meeting, have power and authority to elect, or choose by ballot, three disinterested and suitable persons, one of whom shall be resident of Kent county, and two of Sussex county, as commissioners to make a valuation and appraisement of the said low grounds of the said company, and generally to do, and the commissioners so chosen are hereby authorized and empowered to do all and everything or things, act or acts, which the commissioners named

Future commissioners, how chosen.

OF DITCHES.

in the first section of this act may or could have done, and said valuation and appraisement so made shall be binding upon the said company and shall not be altered for seven years thereafter.

Managers
and secre-
tary and
treasurer:
how chosen.

Notice of
meeting.

Future
meetings.

Meetings,
by whom
called in
absence of
managers.
Time of
meetings.

Voting; how
conducted.

SECTION 5. That the commissioners, after making said returns to the recorder of deeds as aforesaid, shall convene the persons liable to contribute to any of the said ditches embraced therein at some convenient place in the neighborhood for the purpose of choosing four managers and a treasurer and secretary (which said treasurer and secretary may be the same person) of said company to serve for one year and until others are chosen. Notice of the time and place of this meeting shall be posted in five public places of the neighborhood six days before the meeting; the taxables shall at this meeting fix a place of holding meetings thereafter. The managers, or if one of said managers be dead, or has removed from the county, or refuses to act, then the other managers, or if all said managers be dead, or have removed from the county, or refuse to act, then the treasurer shall annually thereafter, in the same manner, call a meeting for the same purpose on the first Saturday in April, at one o'clock, p. m. The managers, treasurer and secretary shall be chosen among the taxables, and at all meetings the taxables present shall be entitled to vote, either in person or by proxy lawfully executed under hand and seal and attested by two witnesses, in the proportion that each is liable to contribute, that is to say, each taxable shall be entitled to one vote for every dollar of tax paid by him, *provided* that each taxable of one dollar or less shall be entitled to one vote.

Managers
to make levy
and assess-
ment.

Supplemen-
tal levies of
taxes.

SECTION 6. That for the purpose of raising money necessary to carry into execution the purposes of this act, it shall and may be lawful for the managers, and they are hereby authorized and required, after the appraisement and valuation aforesaid and the return of the certificates as aforesaid, to lay and assess upon the value of the low grounds benefited by the said ditches or drains, and mentioned in said certificate, according to and upon the value of the benefits and advantages of the respective owners thereof, a certain rate upon each and every dollar of said value, so as to raise a sum of money sufficient to cleanse, scour and repair all the ditches and drains necessary and proper according to said certificates, and to pay all necessary expenses; and in case such first levy shall not be sufficient, then to levy and make, from

OF DITCHES.

time to time in like manner, such other and further sum and sums as shall be sufficient for the purposes aforesaid. After the said ditches and drains shall have been cleansed, scoured and repaired as aforesaid, the said taxables, at any annual meeting thereafter, may determine by resolution what sum or sums of money ought to be raised by way of tax as aforesaid for keeping the said ditches and drains in good and sufficient repair, which said sum or sums of money shall be levied according to the mode hereinbefore mentioned; and in case it shall be found that such sum or sums so determined shall not be sufficient, an additional sum, adequate to the purpose, may be voted at any occasional meeting to be called by the managers for that object, which sum shall be assessed and levied in like manner. The said managers shall, from time to time, make out duplicate lists, under their hands, of all the assessments and taxes by them made and levied as aforesaid, which list shall contain a minute of all changes of ownership and transfers of any of the said low grounds, and one of the said lists shall be delivered to the treasurer for the time being and the other to the secretary; and such assessments and lists shall be final and conclusive as to the matters therein contained, and the said list so delivered to the treasurer shall be a sufficient warrant to him or his successor for levying and collecting all and every the sums of money and taxes in said list mentioned. The managers, when they lay and assess taxes, shall appoint the time for the payment of the same, and it shall be the duty of the owners respectively to pay to the treasurer the sums so assessed at the time so appointed.

Amount of tax; how determined.

Additional levies may be voted at occasional meetings.

Lists of assessments and taxes, to whom delivered.

List to be treasurer's warrant.

Time of payment of taxes.

SECTION 7. That the managers chosen as aforesaid shall proceed to cleanse, scour and repair the ditches and drains mentioned in the certificates so returned as aforesaid, and shall have all needful powers for that purpose. They shall keep all regular accounts of their expenditures, and shall render the same to the yearly meeting of the taxables, and all payments shall be made by orders drawn by them on the treasurer, and any person assessed for a tax may discharge the same by work done under the direction of the managers, and their certificates shall be received by the treasurer in payment of the tax.

Duties of managers.

Payments, how made.

SECTION 8. That the treasurer shall collect all sums assessed as aforesaid, and shall have the same power as the collector of county rates. He shall give bond to the said com-

Powers of treasurer to collect taxes

OF DITCHES.

Bond of
treasurer.

Failure of
treasurer to
give bond

Compensa-
tion of
treasurer.

Occasional
meetings;
how called.

Right of
taxables to
cut lateral
ditches.

Width and
depth of
ditches, how
determined.

Penalty for
obstructing
ditches.

pany, with surety to be approved by the managers, in double the amount of the assessment which he may be authorized to collect, conditioned for the faithful performance of his duty and for the payment to his successor of any money due from him; to which said bond and condition shall be annexed a warrant of attorney to confess judgment thereon in the usual form. And if the person so appointed treasurer shall neglect or refuse to give bond as aforesaid within thirty days next after his appointment the said managers may thereupon appoint another treasurer, who shall in like manner give bond as aforesaid, and so on until a treasurer be appointed who shall give bond and security as hereinbefore provided. He shall settle with the taxables at their annual meeting and shall be entitled to retain five per cent. on amount received as compensation.

SECTION 9. That occasional meetings of the taxables may be called by the managers from time to time by giving ten day's notice of the time and place and specifying therein the purpose for which the meeting is called, by advertisements posted in at least three public places in the neighborhood.

SECTION 10. That every person owning ground adjacent to said ditches or drains, or any of them, and ratable and assessable hereby shall have full liberty and right to cut other ditches or drains as may be necessary to drain such ground into the public company ditches at such place or places as such owner shall deem expedient at his own cost and through his own land. If the said ditches or drains from such adjacent ground shall run through the lands of any other person, the place for cutting the same and the width and depth of the ditches or drains shall be fixed and determined by two disinterested freeholders, to be appointed by any three of the managers for the time being, and the place or places so fixed and determined and the width and depth of the ditch shall be certified by the said freeholders to the managers and the certificate entered upon the books of the company.

SECTION 11. That the ditches or drains so cleansed, scoured and repaired shall remain open for the benefit of those liable to contribute therefor, and if any person shall obstruct or stop up any of such ditches or drains, he shall forfeit and pay to the managers, for the use of the said ditch company, not less than twenty nor more than one hundred dollars.

OF DITCHES.

SECTION 12. That it shall be lawful for any person who may be taxable or interested in any ditch or ditches, drain or drains, cleansed, scoured and repaired under this act, either by themselves or by such other persons as they may employ, to enter upon the lands of any person through whom any ditch or ditches, drain or drains may pass, and remove any obstruction or obstructions of whatever nature or kind the obstruction may be which may exist in such ditch or ditches, drain or drains, so that the water may pass freely through the same.

Right of
taxables to
remove ob-
structions.

SECTION 13. That if any person or persons through whose land said ditch or ditches, drain or drains may pass, should hinder or prevent any person or persons so interested as aforesaid from entering upon said land to remove any obstructions which may exist in said ditch or ditches, drain or drains, such person or persons so hindering or preventing the removal of such obstructions which may exist in said ditch or ditches, drain or drains, shall forfeit and pay the sum of one hundred dollars besides the costs of suit, to be sued for and recovered by any of the taxables of said ditches or drains before any justice of the peace in and for Kent and Sussex counties, where the said ditches or drains may be situated.

Penalty for
hindering
the removal
of obstruc-
tions.

How re-
covered.

SECTION 14. That if any obstructions should exist in any such ditch or ditches, drain or drains, so as aforesaid made or occasioned by the fault or neglect of any such person or persons, such person or persons so hindering or preventing the free passage of the waters through the said ditch or ditches, drain or drains, shall be liable for the necessary expenses to which any of the said taxables shall be subject in removing the same, to be sued for and recovered by any of the taxables upon said ditches before any justice of the peace in and for the county where the said ditch or ditches, drain or drains so obstructed may be situated.

Liability of
person ob-
structing for
costs of
removing
the same.

SECTION 15. That if any commissioner appointed under this act shall refuse or be unable to act, or die, the associate judge of the county wherein such vacancy may exist shall appoint another in his place.

Vacancies:
how filled.

SECTION 16. That the fees under this act shall be to each commissioner two dollars per day, and to the managers each, for each day actually spent in the discharge of his duties, one dollar and a half per day.

Compensa-
tion of
officers.

OF DITCHES.

Corporate
name.

SECTION 17. That the owners of the said low grounds so ratable and taxable shall compose a company called "The Kent and Sussex Ditch Company," and by that name shall be a corporation for the purposes contained in this act.

Oath of com-
missioners.

SECTION 18. That the commissioners shall be sworn to the faithful and impartial discharge of their duty with fidelity, the commissioners to swear each other. All the commissioners must act, but a majority may decide any matter authorized by this act.

Inconsistent
acts re-
pealed.

SECTION 19. That all other acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Passed at Dover, April 5, 1893.

CHAPTER 664.

OF DITCHES.

AN ACT to renew the act entitled "An act to enable the owners of the marsh meadow near Newport, called Conrad's Cripple, to keep the banks, dams and sluices in repair, and to raise a fund to defray the expenses thereof," and the acts supplementary thereto, and to amend the same.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring therein):

Act of Feb.
23, 1865, as
amended,
re-enacted.

SECTION 1. That the act entitled "An act to enable the owners of the marsh meadow near Newport, called Conrad's Cripple, to keep the banks, dams and sluices in repair, and to raise a fund to defray the expenses thereof," passed at Dover, February 23, 1865, as amended by the acts at Dover on April 6, 1881, and on April 19, 1887, respectively, and also the said amendatory acts, be and the same are hereby with the hereinafter stated amendments, renewed, reënacted, extended and declared to be in full force and virtue for and during the term or period of twenty years from the passage of this act.

OF DITCHES.

SECTION 2. That the act entitled as aforesaid, passed at Dover, February 23, 1865, (12 Del. Laws, Chap. 523) be and the same is hereby amended by striking out the whole of Section 7, and inserting in lieu thereof the following:

SECTION 7. If any owner or possessor shall refuse or neglect to pay any sum of money duly assessed as aforesaid for thirty days after the same becomes due and payable, the treasurer may, under the direction of the managers, bring suit for the same in his own name as treasurer before any justice of the peace of the county aforesaid, and said justice of the peace before whom said suit may be brought as aforesaid shall have the same jurisdiction where the matter in demand shall not exceed two hundred dollars as he would have in any civil cases of debt under Chapter XCIX, Revised Code of Delaware of 1852, as amended, &c., in 1874. The process for obtaining judgment, issuing execution and selling thereunder for money due as aforesaid, shall be the same as is provided in said chapter in other civil cases, and any judgment thus obtained may be made a lien upon land as is provided in said chapter; *provided however* that said judgment when entered in the Superior Court as aforesaid shall not be a lien upon any land of the defendant in said judgment other than that upon which said assessment was laid and for the non-payment of which said judgment was recovered. Where the sum demanded exceeds two hundred dollars the said treasurer may in manner aforesaid bring a suit therefor in the Superior Court of the State of Delaware, and for the collection of the sum due the said treasurer shall have the benefit of all the rules and process of said court that plaintiffs are entitled to in other civil cases. When judgment has been obtained before a justice of the peace as aforesaid and made a lien upon the assessed land as aforesaid, or when judgment is obtained in said Superior Court as aforesaid, the Prothonotary of said court shall, upon being so ordered by said treasurer or his attorney, issue a writ of venditioni exponas to said treasurer directing him to sell the tract or parcel of marsh or any part thereof belonging to such owner or possessor so neglecting or refusing to pay the assessment thereon as aforesaid, and it shall not be necessary to issue a writ of fieri facias and have a return of nulla bona before said writ of venditioni exponas is issued for the sale of said assessed land as aforesaid. The said treasurer shall thereupon sell said tract or piece of marsh, or so much thereof as will be sufficient to pay said assessment and all

Section 7
amended.

Taxes, how
collected
after due
thirty days.

Jurisdiction
of Justice of
the Peace.

Process the
same as in
other civil
cases.

Judgment a
lien on lands
assessed
only.

Judgment
for more
than \$200;
how ob-
tained.

Writ of
venditioni
exponas to
be issued on
order of
treasurer.

Writ of fieri
facias not
necessary.

Sale of land
for taxes.

OF DITCHES.

Notice, how costs incurred, at public vendue, to the highest and best bidder for the same, upon giving fifteen days notice of such sale by advertisements posted in ten of the most public places in the county where said marsh is situate. Such sale of lands shall be returned by the said treasurer to the next term of the Superior Court, and the court may inquire into the circumstances and either approve or set it aside. If it be approved the said treasurer shall at once make a deed to the purchaser, thereby conveying to him a title in fee simple to said premises so sold as aforesaid. If it be set aside the court may order another sale, and so on until the tax be collected.

Proceeds of sale in excess of taxes and costs, how applied. Any surplus proceeds of said sale over and above the amount necessary to pay the assessment, together with all costs attendant upon the proceedings necessary for sale, shall be returned to the person entitled thereto, or if he be unknown it may be paid into such bank as the court may designate to await such distribution as the court may direct.

Taxes and costs may be paid at court. No sale shall be approved if the owner be ready at the court to which said treasurer makes return of said sale to pay said taxes and costs.

Acts of the company under act of Feb. 23, 1865, confirmed. SECTION 3. That all acts and things done and performed by said Conrad's Company in pursuance of the said act of February 23, 1865, and the acts amendatory thereof, are hereby confirmed and made valid, the same as if the charter of said company had been duly renewed within twenty years from February 23, 1865.

SECTION 4. That this act shall be deemed and taken to be a public act, and the power to alter or revoke the same is hereby reserved to the legislature.

Passed at Dover, April 20, 1893.

OF DITCHES.

CHAPTER 665.

OF DITCHES.

AN ACT to incorporate "The Saint Augustine Marsh Company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):* That the owners of meadows, marsh, cripple, swamp and low lands situated immediately upon or contiguous to the Delaware river and Saint Augustine creek and its tributaries, in St. Georges hundred, New Castle county, shall compose a company for the purpose of more effectually banking, draining and reclaiming said lands. The corporate title of said company shall be "The Saint Augustine Marsh Company." Corporate title.

SECTION 2. That the said corporation shall have power to sue and be sued in all courts of law and equity; to have and use a common seal, and, as hereinafter provided, to enter and condemn such lands, and to condemn such materials, to construct and maintain such banks, ditches, drains, water ways and sluices; and to assess, levy and collect from the members of said corporation such taxes as its managers or directors may deem necessary; to ordain by-laws for its proper government, and to use and exercise and enjoy all the powers, privileges and franchises which the purposes of such corporation shall require. Corporate powers.

SECTION 3. That William Pierce Biggs, James T. Shallcross and Robert S. Carpenter are hereby appointed commissioners, whose duty it shall be, within six months after the passage of this act, with the aid of a skillful and competent surveyor, to go upon said lands and to fix, limit and define the boundaries of said company; to ascertain the different owners of the land within said boundaries so defined; to limit and bound the different tracts belonging to the several different owners respectively, and to make a map, which shall accurately set forth the boundary lines of said company, as also the boundary and dividing lines of the different tracts, with the contents of each tract belonging to the different owners within the boundaries of the company as aforesaid, and when said survey and map are completed the said commissioners, or a majority of them, shall make a certificate of Duties of. Commissioners appointed.

OF DITCHES.

Certificate to be returned to Recorder of Deeds. Return shall be conclusive.

Certificate to be delivered to managers.

their proceedings under this act and return the same, with said map, to the recorder of deeds for New Castle county, to be by him recorded; which said certificate and map shall be final and conclusive of the proceedings of said commissioners, and shall be binding upon all parties whose lands are included thereon; the certificate, when recorded, shall be delivered to the managers of said company, and said certificate or certified copy of the record thereof shall be competent evidence in all cases.

Oath of commissioners and surveyor.

Majority may determine matters.

Vacancies in commission; how filled.

SECTION 4. That the said commissioners and surveyor, before entering upon their duties under this act, shall be severally sworn or affirmed before some person duly authorized by law to administer oaths, to faithfully and impartially and according to the best of their skill, ability and judgment, to perform their said duties respectively. All of said commissioners shall act, but a majority of them may do or determine any matters. Any vacancy in said board of commissioners by death or resignation, refusal to act, or otherwise, shall be filled by the resident judge of the Superior Court of New Castle county upon the petition of three or more owners of land included within the boundaries of said company.

Meeting to elect managers and a treasurer.

Notice of meeting.

Managers and treasurer; how chosen. Who eligible.

SECTION 5. That the said commissioners shall within ninety days after the return of their certificate and map to the recorder's office as aforesaid, call a meeting of the landowners included within the boundaries of said company for the purpose of electing a board of three managers and a treasurer, and adopting suitable by-laws for the government of said company; five days written notice of said meeting shall be posted in five of the most public places within the boundaries or neighborhood of said company.

The managers and treasurer shall at such election be chosen by ballot, and by a majority of votes cast; but no person shall be eligible to said office who is not the owner of at least five acres of land within the boundaries of said company liable to taxation under this act.

Voting.

Term of office.

Every owner of lands shall be entitled to but one vote for every acre of land so liable for taxation; fractional parts of acres shall not be counted. The owners of joint undivided interests shall be deemed and taken as constituting one single interest. The managers so elected shall serve until the first annual meeting of the company, or until their successors be

OF DITCHES.

duly chosen. Special meetings of the company may be called at any time on ten days written notice, similarly given, at the request of the majority of the board of managers, stating the object and place of said meeting in said notice. Special meetings.

Vacancies in the board of managers can be filled by the company at a special meeting duly called. Vacancies; how filled.

SECTION 6. That the annual meeting of the company shall be held on the first Tuesday in April next, after the filing of the commissioners' certificate and map as aforesaid, and on the first Tuesday in April in every year thereafter; of which annual meetings it shall be the duty of the outgoing board of managers to give ten days written notice as above provided. Annual meetings; when held.

SECTION 7. That it shall be the duty of the managers, from time to time, to appraise the lands owned by each person within the boundaries of said company, giving due regard in such appraisement to the benefit to be secured by each owner; such appraisement shall be the valuation upon which all taxes shall be assessed and levied under this act. Appraisement of lands for taxation.

The managers shall also, from time to time, determine what sum of money it will be necessary to raise for the purpose of constructing and keeping in proper repair the banks, ditches, sluices, drains and waterways laid out by said company, and for the payment of any and all other expenses which are authorized or incurred under this act; and shall thereupon apportion and assess such sums upon and among the several owners of lands within the boundaries of said company according to the valuation made by the said managers as aforesaid, at a certain rate upon such valuation, and the said managers shall thereupon make out a list under their hands, or under the hands of a majority of them, showing the assessment of each owner and the amount of taxes he is so required to pay, and shall deliver the same to the treasurer; and such shall be a sufficient warrant and authority to the latter for collecting the several taxes therein mentioned and contained; *provided however* that before the said lists of valuations, assessments, or amounts of money to be collected as aforesaid is placed in the hands of the treasurer, the managers shall make out under their hands, or the hands of a majority of them, five duplicate lists containing the names of the persons assessed and the amount or amounts charged against each of them, and the managers shall cause Managers shall determine amount of tax necessary.
Shall assess taxes.
Lists of taxable and assessments
Lists shall be treasurer's warrant.
Provide.
Duplicate lists to be posted.

OF DITCHES.

one of said lists to be hung up at each of the most public places in the neighborhood of said taxable, with a notice thereon, that said managers will sit as a board of appeal at such place and hour in St. Georges Hundred as they may name, on some day not less than ten days from the day of giving said notice, to hear all appeals that may be there made from their action and to determine upon the same, which determination, when made, shall be final and conclusive upon all parties. When said appeals shall be heard and determined, the said managers shall then hand the list over to the treasurer as corrected, if any corrections there be, and he shall then collect the amounts charged against each taxable as he by this act is so authorized to do.

Appeal.

Appeal to be final.

Treasurer to collect list as corrected.

Duties of managers. It shall be the duty of the managers to make all contracts, purchase all materials, to fix the compensation of the treasurer, and employ all labor that may be found necessary and proper for accomplishing the purposes of the company; and when the managers, or a majority of them, and the owners of lands or materials needed by said company cannot mutually agree upon a satisfactory price for the same, each party shall select a disinterested person, and the two so chosen shall select a third, and the three persons thus selected shall appraise the lands or materials in question and condemn the same according to the best of their skill and judgment, estimating what they so condemn at its true value in money, making a report thereof, in writing, signed by the said appraisers, or a majority of them, to the aforesaid managers, which report shall, when so returned, be final and conclusive upon the parties so interested. The managers shall thereupon pay the said person or persons whose lands or materials have been so condemned by an order on the treasurer for the full amount of said valuation, and by virtue thereof said company shall be fully vested with the full and entire ownership to and in the said lands or materials which have been so appraised, condemned and paid for; should either of said parties however (after five days' written notice from the other), fail to select a disinterested person to act as appraiser as aforesaid, then it shall be the duty of the resident judge aforesaid, on the application of the other party to him for that purpose, to appoint such proper disinterested person in the behalf of the party so failing to act, and the person so appointed shall act in conjunction with the other appraisers as hereinbefore provided.

Appraisers; how selected.

Duties of appraisers.

Report shall be final.

Payment of damages and value of materials.

Upon failure of parties to select appraiser, resident judge shall appoint.

OF DITCHES.

SECTION 8. That the treasurer shall within ten days after he receives said tax list from the managers, as provided in the preceding section, notify each taxable, or his representative, of the amount of the tax so due and payable, and if said taxables fail to pay their respective taxes as aforesaid the treasurer shall and may proceed to levy and collect said taxes in the same manner as is now provided by law for the collection of county taxes; for this purpose the said treasurer is hereby vested with the like power conferred upon the collectors of county taxes by the laws of this State; said tax is hereby declared to be a first lien from the date of its assessment on the lands of the taxable upon which tax is assessed, under and by virtue of which first lien said lands may be seized and sold by said treasurer. *Provided however* that the said treasurer shall publicly advertise the property of the taxable so levied upon, at least thirty days before the day of sale; *And provided further* that said tax shall cease to be a lien, and shall not be demanded after the expiration of three (3) years after the date of its assessment.

Treasurer to
notify
taxables.

Powers of
treasurer to
collect taxes

Tax a lien
on lands
assessed.
Sale of
lands.

Proviso.
Notice of
sale.

Tax not a
lien after 3
years.

Subject to the foregoing limitations, the treasurer for the time being shall have the same right and process to collect unpaid taxes upon any list delivered to a former treasurer as the treasurer had to whom said tax list was originally delivered.

Succeeding
treasurer
may collect.

SECTION 9. That if any person shall willfully or negligently injure any of the banks, sluices, or other works of said company, every person so offending shall for each and every offense forfeit and pay to said company the sum of one hundred dollars, and also the damage sustained by said company by reason of such injury, the same to be recovered before any justice of the peace in New Castle county, in the same manner as debts under \$200.00 are now recoverable, and jurisdiction for this purpose is hereby given to each justice of the peace of said county.

Unlawful to
injure
banks, ..
sluices, etc.

Penalty.

Jurisdiction
of Justice of
the Peace.

SECTION 10. That each commissioner shall receive the sum of two dollars per day for each day actually spent by him in discharge of his duties under this act, and the surveyor employed by the commissioners, and the chain carriers, bush cutters and target bearers, shall have such compensation as shall be agreed upon by them and said commissioners; each manager shall receive the sum of two dollars per day for each day actually spent by him in the discharge of his duty as manager of said company.

Compensa-
tion of offi-
cers, agents
and work-
men.

OF DITCHES.

SECTION II. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 20, 1893.

CHAPTER 666.

OF DITCHES.

AN ACT to repeal Chapter 155 of Volume 19 of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Chap. 155,
Vol. 19,
repealed.

SECTION I. That the act entitled "An act incorporating the Irons Branch Canal Company," being Chapter 155 of Volume 19 of the laws of Delaware, passed at Dover, May 14th, 1891, be and the same is hereby repealed.

Passed at Dover, April 24, 1893.

CHAPTER 667.

OF DITCHES.

AN ACT to provide for a New Assessment in the Cow House and Saunders Branch Ditch in Gumboro and Broad Creek Hundreds, Sussex County.

Preamble
and recitals.

WHEREAS the Cow House and Saunders Branch Ditch in Gumboro and Broad Creek hundreds, Sussex county, does now embrace what was formerly known as Saunders Branch Ditch, terminating at and emptying into the Old Terrapin Hill millpond; AND WHEREAS the landowners adjacent to Saunders Branch Ditch did for many years maintain the said

OF DITCHES.

Saunders Branch Ditch at a large outlay of money, and did for the most part, under proper privileges have, in the Superior Court of the State of Delaware in and for Sussex county, at an additional outlay of a large sum of money, condemned the old Terrapin Hill millpond; AND WHEREAS said landowners adjacent to said Saunders Branch Ditch, after having condemned said Terrapin Hill millpond aforesaid, having proved proper means for the drainage of their low lands, are now laid in the entire Cow House and Saunders Branch Ditch, which embrace a large territory of country lying and away from the lands drained by said Saunders Branch Ditch; AND WHEREAS the taxables on Saunders Branch Ditch as now laid to drain low lands not adjacent to said Saunders Branch Ditch which in no way benefits said landowners whose lands are drained by said Saunders Branch Ditch; AND WHEREAS great injustice results to the landowners whose lands are drained by said Saunders Branch Ditch which has been made a prong of said Cow House and Saunders Branch Ditch; AND WHEREAS for the purpose of a fair, equitable and just assessment as a basis of taxation for the maintenance of the said Cow House and Saunders Branch Ditch, it being composed of prongs and sub-prongs, intending to drain different localities of low lands, it is desired that said Cow House and Saunders Branch Ditch shall be divided into sections, and a new assessment as a basis of taxation shall be made by sections, to the end that the owners of low lands adjacent to and drained by any one section of said Cow House and Saunders Branch Ditch shall not be laid to maintain another one of said sections except provided in the act following; therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Stansbury J. Wheatley, Philip C. Matthews and Jacob H. Adams, of Sussex county, be and they are hereby appointed commissioners to go upon and view the lands and premises intended to be drained by the said Cow House and Sanders Branch Ditch, as shown by the plot returned to the said Superior Court and filed in the office of the Prothonotary in and for Sussex county, and make a new assessment on said ditch, to be returned to the office of said Prothonotary as hereinafter provided.

Commissioners appointed to view lands and make new assessment.

SECTION 2. That the said commissioners shall have all the powers and privileges of commissioners under the gen-

Powers of commissioners.

OF DITCHES.

Oath of commissioners. eral ditch laws of the State. Before entering upon the discharge of the duties imposed by this act they shall be sworn or affirmed to perform said duties faithfully and impartially. They may, in their discretion, take with them a competent Surveyor. surveyor, who shall in like manner be sworn or affirmed. All Majority report valid. shall act, but a majority report of said commissioners shall be deemed and taken to be sufficient for the purpose of this act.

Ditch divided into four sections SECTION 3. That for the purpose of making a fair, just and equitable assessment against the taxables on said Cow House and Saunders Branch Ditch and its several prongs and sub-prongs, and to provide a like, fair, just and equitable basis for subsequent assessments by the managers on said ditch for the completion, cleansing and repairing of the same, said ditch shall be and is hereby divided into four sections, and shall be known as Sections Nos. 1, 2, 3 and 4, respectively, viz:

Section No. 1; what to comprise. Section No. 1 of said ditch shall comprise all that prong and its sub-prongs beginning on the lands of John H. Gordy and Peter B. Gordy where the same unites with the main ditch, at the head of Saunders branch, and marked by the letter D on said plot on file in said Prothonotary's office, and is designated on said plot as Prong No. 2, it being the old Saunders Branch Ditch;

Section No. 2; what to comprise. Section No. 2 of said ditch shall comprise all that part of said main ditch and its prongs beginning on the lands of John H. Gordy and Peter B. Gordy, where the above mentioned prong, being Section No. 1 of said ditch under this act, unites with said main ditch at the head of Saunders branch and marked by the letter D on said plot, it being all that part of said main ditch beginning at the said letter D and terminating at the letter A on said plot and on lands of Minos B. Lingo, together with the several prongs thereof;

Section No. 3; what to comprise. Section No. 3 of said ditch shall comprise all that part of said ditch which is designated on said plot as Saunders branch, and shall begin at the head of said branch, and marked by the letter D on said plot, and shall extend down said branch to the mouth of Boiling Spring Ditch, terminating thereat and at a point in said branch marked by the letter Y on said plot;

OF DITCHES.

Section No. 4 of said ditch shall comprise that part of said ditch beginning at a point in said Saunders Branch where the Boiling Spring Ditch empties into the same, and designated on said plot by the letter Y, and shall extend to the lower terminus of said main ditch, being the head of the old Terrapin Hill millpond and designated on said plot by the letter B.

Section No. 4: what to comprise.

SECTION 4. That the commissioners appointed by this act shall make their return as herein provided in the following manner, to wit: they shall determine and so designate on their return who are taxables on Section No. 1 of said ditch and its prongs, and what amount they each and severally shall pay and contribute towards the maintenance of said Section No. 1 of said ditch, and in like manner they shall determine the amount said taxables on said ditch Section No. 1 of said ditch shall each and severally pay and contribute towards the maintenance of Sections Nos. 3 and 4 of said ditch, respectively. They shall also determine and so designate in their return who are taxables on Section No. 2 of said ditch and its prongs and sub-prongs, and what amount they each and severally shall pay and contribute towards the maintenance of said Section No. 2 of said ditch, and in like manner they shall determine the amount said taxables on said Section No. 2 of said ditch shall each and severally pay and contribute towards the maintenance of Sections Nos. 3 and 4 of said ditch respectively. They shall also determine and so designate on their return who are taxables on Section No. 3 of said ditch and its prongs, and what amount they each and severally shall pay and contribute towards the maintenance of said Section No. 3 of said ditch, and in like manner they shall determine the amount said taxables on said Section No. 3 of said ditch shall each and severally pay and contribute towards the maintenance of Section No. 4 of said ditch. They shall also determine and so designate on their return who are taxables on said Section No. 4 of said ditch and its prongs, and what amount they each and severally shall pay and contribute towards the maintenance of said Section No. 4 of said ditch. They shall also determine and so designate on their return the amount the taxables on Boiling Spring Ditch shall each and severally pay and contribute towards the maintenance of Section No. 4 of said ditch.

Return of commissioners, how made.

Amounts to be paid by the taxables on the various sections.

OF DITCHES.

Notice to be
given before
final assess-
ment.

SECTION 5. That said commissioners, before making final assessment provided for under this act, shall give the usual notice required by Chapter 90, Vol. 16, page 102 of the Laws of Delaware.

Return to be
made to
prothono-
tary.

SECTION 6. That said commissioners shall make return of their proceeding under this act to the Prothonotary in and for Sussex county (who shall file the same in his office) on or before the twentieth day of June next ensuing the passage of this act.

Meeting to
elect mana-
gers and
treasurer.

Time and
place of.

Notice.

SECTION 7. That the said commissioners shall, on the second Saturday in July next ensuing the passage of this act, at one o'clock, p. m., at their usual place of meeting, convene the persons liable to contribute on said Cow House and Saunders Branch Ditch for the purpose of choosing two managers and a treasurer of said ditch. Notice of the time and place of the meeting shall be signed and posted, or caused to be posted, by said commissioners in ten (10) public places in the neighborhood of said ditch at least six days before the meeting.

Powers of
managers
and treas-
urer.

Term of
office.

SECTION 8. That the managers and treasurer of said ditch shall have all the powers and privileges provided for such under the general ditch laws of the State, and shall hold their offices until the first Saturday in March A. D. 1894, and until their successors are duly chosen as provided by the general ditch laws of the State.

Future
assessments
to be made
upon the
basis of the
assessment
herein
provided
for.

SECTION 9. The managers of said ditch, in making subsequent assessments or levies, shall make the same upon the basis of the assessments provided for by this act, and they shall levy the same upon the taxables of said ditch by sections, as herein provided, and under no circumstances are the taxables of one section of said ditch to be laid for the maintenance of another section of said ditch except as herein provided for the new assessment. And taxes or levies shall be more upon the several sections respectively as needed to cleanse and repair any section or sections.

Taxes for
Sections 3
and 4, how
assessed.

SECTION 10. That for the maintenance of Sections Nos. 3 and 4, respectively, of said Cow House and Saunders Branch Ditch, the manager thereof shall levy and assess each and every taxable of the entire Cow House and Saunders Branch Ditch one uniform rate or per centum upon the amount with which each and every of such taxables shall be assessed by the commissioners under this act.

OF DITCHES.

SECTION 11. That the treasurer of said Cow House and Saunders Branch Ditch shall have all the powers and authority given such officer under the general ditch law of the State to collect from the taxables on said Cow House and Saunders Branch Ditch and of Boiling Spring Ditch the assessment made under this act for the maintenance of the several sections of said Cow House and Saunders Branch Ditch respectively, as provided under this act, or to collect any subsequent levy made by the managers of said Cow House and Saunders Branch Ditch, *provided* the taxables of said Boiling Spring Ditch shall pay the same per centum upon the assessment made by the commissioners under this act for the maintenance of said Section No. 4 as do the taxables of said Cow House and Saunders Branch Ditch.

Powers of
treasurer to
collect taxes

SECTION 12. If either of the said commissioners appointed by this act shall die, resign, remove, or be unable to act before the duties assigned them by this act are fully performed, the Associate Judge of the Superior Court, residing in Sussex county, shall, upon the application of any two persons having low lands affected hereby, fill any such vacancy, and so as often as may be necessary until all the duties of the commissioners under this act may be completed, and any commissioner so appointed shall have all the powers, and be charged with the performance of the same duties, so far as they are then incomplete, as if he had been originally named as one of the commissioners.

Vacancies
in commis-
sion; how
filled.

SECTION 13. That nothing in this act shall in anywise affect any taxes already levied on said Cow House and Saunders Branch Ditch, nor prevent or relieve the treasurer of said ditch from collecting any unpaid taxes so levied.

Act not to
affect taxes
now levied.

SECTION 14. That the new assessment made pursuant to this act shall be in lieu of the assessment heretofore made on said Cow House and Saunders Branch Ditch, and shall continue in force for five years from the date of the return thereof to be made by the commissioners under this act.

New assess-
ment to con-
tinue in
force five
years.

SECTION 15. That the expenses incurred under this act shall be paid by the treasurer of said ditch out of any funds that may come into his hands by such treasurer.

Expenses
incurred
hereby; how
paid.

SECTION 16. That the commissioners, surveyor and other persons employed to make the new assessment provided by

Compensa-
tion of
officers.

OF DITCHES.

this act shall receive the same compensation allowed by law for such services.

SECTION 17. That this act shall be deemed and taken to be a public act.

Passed at Dover, May 4, 1893.

CHAPTER 668.

OF DITCHES.

AN ACT to amend an act entitled "An act to incorporate the Pepper's Creek Ditch Company," Chapter 153, Volume 19, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Chap. 153,
Vol. 19,
amended.

Taxables of
prong
ditches may
elect a
treasurer
where no
treasurer for
main ditch.

Bond; duties
of treasurer.

May also
elect man-
agers.

SECTION 1. That Chapter 153, Volume 19, Laws of Delaware, be and the same is hereby amended by adding thereto the following, which shall be Section 16 thereof, to wit: "That upon failure to elect a treasurer for the main ditch, or upon the failure of the treasurer for the main ditch now or hereafter to be elected within thirty days after his election to give bond as required by the act to which this is an amendment, the taxables on the prongs may, after giving ten days notice, meet and elect one of their number treasurer, who shall give bond for double the amount assessed for cleansing the same, and shall perform the same duty in relation to the prongs aforesaid as is required of the treasurer in relation to the main ditch. At the meeting held to elect a treasurer, under the provisions of this act, the taxables may also elect two of their number to act as managers on the aforesaid prongs, who shall perform the same duties in relation to the prongs aforesaid as is required of the managers in relation to the main ditch."

SECTION 2. Further amend said Chapter 153, Volume 19, Laws of Delaware, by adding thereto the following, to wit: "That nothing in Section 17 of said chapter: "That nothing

OF DITCHES.

in the act to which this act is an amendment shall be construed to prevent the taxables from cleansing any of the prongs which are already cut whenever a majority of the taxables of the said prong deem it necessary. Taxables may cleanse ditches already cut.

Passed at Dover, May 4, 1893.

CHAPTER 669.

OF DITCHES.

AN ACT to enable the Owners and Possessors of a certain tract of Meadow Ground, Marsh and Cripple, situated at the north end of the City of New Castle, to repair and maintain the Banks, Dykes and Sluices belonging to the same.

WHEREAS there is a tract of meadow ground, marsh and cripple, situated at the north end of the City of New Castle, in the hundred and county of New Castle, and comprised in such portions of the lands belonging to the farms now known as "Hawthorn," "Buttonwoods," and "Boothihurst," formerly belonging to James Booth, senior, and "Bloomfield," formerly belonging to Thomas Speakman, which have heretofore been embanked and the greater part thereof ditched and improved by the mutual consent and agreement of the former owners; Preamble.

AND WHEREAS the said farms have now passed into the hands of several different owners who no longer have interests in common and are soon to be still further divided; Further preamble.

AND WHEREAS the improvement of property in general, and more especially of marshed and meadow grounds, hath been found by experience to contribute not only to the health of the adjacent inhabitants but also to the convenience and advantage of the public, as well as to the particular emolument of the owners thereof; for remedying the inconvenience aforesaid and for the further encouragement of the owners and possessors of the said tract of meadow ground, marsh and cripple, Further preamble.

OF DITCHES.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein), as follows, to wit :

Ditch company hereby created.
Name of.

SECTION 1. That the owners and possessors of the marsh, cripple and low grounds hereinbefore described, shall compose a company to be called "Swanwicke Ditch Company" for the purpose of effectually embanking, draining, ditching, sluicing and reclaiming the said marsh, cripple and low grounds.

Powers of company.

SECTION 2. For the purpose of such reclamation, the company shall have power to enter upon any lands that in the opinion of the managers will be benefited by the operations to be performed by the company, and with their workmen, laborers, teams, etc., cut and make, and when made, from time to time to clear out and scour all such ditches or drains as in the opinion of such managers shall be necessary for effectually draining and reclaiming the said lands.

Meeting: where held.

SECTION 3. That the said company shall meet at the "Old Court House," in the City of New Castle, in New Castle county, on the first Saturday in May, A. D. 1893, at 10 o'clock in the forenoon, for the purpose of choosing from the said owners of said low grounds three suitable persons to be managers, and also a secretary and treasurer who shall hold their offices respectively for one year and until their successors are duly chosen. The said company, at the same time, shall appoint three commissioners to go upon and view the marsh, cripple and low grounds aforesaid, and ascertain the quantity of marsh, cripple and low grounds which will be benefited by the ditch or ditches to be opened under this act, and to lay out, locate and direct to be cut and opened a main ditch and such other ditches as the commissioners may deem necessary to effectually drain the marsh, cripple and low grounds aforesaid. They shall also determine the width and depth of the ditches by them directed to be cut and opened, and make a valuation and assessment of all the low grounds, marsh and cripple which will be benefited by the opening of said ditches, and according to the amount of benefit to be derived therefrom. If the said commissioners shall be of the opinion that any person will be injured by the making of any such ditches, they shall assess and award to such persons damages to the amount of such injury, after

Officers to be chosen.

Commissioners to view lands, locate ditches, make assessments, etc.

Assessment of damages.

OF DITCHES.

taking into consideration all the advantages to be derived therefrom, and the same shall be paid or tendered before the cutting of said ditch or ditches, or deposited in the Farmers' Bank of the State of Delaware, at New Castle, to the credit of such person or persons. The said commissioners shall make a plotted survey of the marsh together with the ditches located.

Damages;
how paid.

Plot.

SECTION 4. That the said commissioners, in forming the estimate aforesaid of the expense, charge and labor necessary for the purpose aforesaid, shall include therein the sums of money advanced and applied by or on account of any of the said owners as aforesaid since the twenty-fifth day of March A. D. 1892; which said sums of money shall be allowed to the said owners and possessors respectively, by whom the same were advanced and discounted out of their assessed proportion of the estimated expense requisite for completing the said improvements aforesaid by them as aforesaid, and a return of all their proceedings under this act to the recorder of deeds in and for New Castle county, to be by him recorded as soon as practicable after they shall have performed the duties herein imposed. Before any commissioners appointed under this section proceed to act, they shall be sworn or affirmed before a justice of the peace to perform the duties of their appointment with fidelity. When record is made of the return the original shall be delivered over to the company, and it or the record, or an office copy of the latter, shall be evidence. The commissioners shall each be paid by the company two dollars for each day employed by them under this act, and the surveyor, for his survey and plot (including a fee of one dollar and fifty cents each per day for his chain carriers) such sum as the commissioners may deem just, and this money shall be paid before the commissioners shall be required to make any return. The recorder's fee shall also be paid to him at the time of the delivery over by him of said return. The acts of a majority of said commissioners shall be deemed and taken to be the act of the whole touching the duties herein required of the said commissioners.

Equaliza-
tion of as-
sessments.

Return to
Recorder.

Oath of com-
missioner.

Evidence of
return.

Compensa-
tion of
officers.

Recorder's
fee, when to
be paid.

SECTION 5. The return of the commissioners shall be final and conclusive upon all the parties, and shall be the basis upon which the taxes of the company are to be laid. It shall continue until a majority of the taxables demand a new one, when other commissioners may be appointed to make a new assessment and valuation of the said cripple, marsh and low grounds at any regular annual meeting.

Return to
be conclu-
sive.

New assess-
ments.

OF DITCHES.

Admission
as members
of adjacent
land owners.

Apportion-
ment of
taxes.

Annual
meeting.

Election of
officers.

Adjourned
and occa-
sional meet-
ings.

Notice.

Voting.

Managers to
levy tax.

SECTION 6. In the case of private owners of marsh, cripple or low ground not within the company's limit, but the waters collected in which can be discharged into the ditches of the company with benefit to the owners composing said company, such private owners may be allowed to connect with the works of the company on such terms as the latter may prescribe, and may thenceforth become constituent members of said company, with the rights of such members and subject as to themselves and their land drained by their private ditch or ditches to all the burdens and responsibilities of other members or owners, and the managers shall at once add their lands to the other lands within the company's operations and apportion their share of taxes among them, as provided in Section 7 with respect to original owners.

SECTION 7. The company shall hold an annual meeting on the first Saturday in May in every year hereafter, at 10 o'clock in the morning, in New Castle county, at the old court house aforesaid, and elect by ballot three managers and one treasurer, who shall be secretary as aforesaid, and such other officers as may be deemed necessary for the conduct of its business, who shall serve for a year and afterward until successors shall be chosen, which successors, if not chosen at any annual meeting, may be chosen at a meeting to be called by the treasurer. The said company may hold adjourned meetings and also occasional meetings, but a failure to hold an annual meeting shall not work a dissolution of the company. Public notice shall be given by the treasurer of annual and occasional meetings at least ten days before the holding of such meetings by notice posted on the front door of the old court house in the City of New Castle.

Each member of said company shall be entitled to vote, either in person, or by proxy duly executed under hand and seal and attested by two witnesses, and being entitled to one vote for every acre of land owned by him and taxable by the company, or for each fraction of an acre that any person interested shall hold or own less than one acre.

SECTION 8. The managers for the time being are hereby authorized and empowered to lay and assess from time to time, according to the general rate of assessment to be made by the commissioners as aforesaid, such taxes as they shall think necessary and requisite for the supporting and keeping in repair the said banks and sluices, and for opening, cleansing and scouring any public ditch or ditches belonging to or

OF DITCHES.

passing through the said marshes, and shall, on laying such tax, cause true lists of the names of all the said owners, possessors and trustees of the meadow, marsh and cripple aforesaid, with a true account of all and every acre thereof which they have, hold and possess within the bank aforesaid (according to the general rate to be made and returned by the said commissioners as aforesaid) noting from time to time the several changes, alterations, transfers and alienations of right in the several parts and parcels thereof as shall come to their knowledge, and shall furnish the treasurer with true copies thereof, together with the sum per acre of the general assessment for the current year; according to which lists or accounts the said treasurer for the time being shall receive and collect the said quotas of assessment therein specified, and shall cause public notice of the said rate or assessment per acre to be given by affixing one or more copies thereof at the old court house door, in the City of New Castle, at least twenty days before the time appointed for the payment thereof; and in case any person or persons regularly chargeable with the payment of any quota of assessment, taxed and assessed as aforesaid, shall refuse or neglect to pay, or cause to be paid, to the treasurer for the time being, on the days and times appointed for the payment of the same, such sum or sums of money, or any part thereof, which they respectively ought to pay according to the true intent and meaning of this act, they and each of them so neglecting and refusing shall forfeit and pay to the said treasurer the additional sum of twenty cents for every dollar unpaid for the space of thirty days after the time fixed for payment by the assessment of the managers as aforesaid.

Lists of
taxables,
contents of.

Treasurer to
collect taxes

Notice of
assessment;
how given.

Twenty per
cent. added
to taxes not
paid within
30 days.

SECTION 9. That if any person or persons regularly chargeable with the payment of any quota of assessment as aforesaid shall neglect or refuse as aforesaid to pay the several sums of money, together with any forfeitures that may have arisen thereon, which they respectively ought to pay at any time or times hereafter for the space of two months after any of the days and times at which it ought to be paid, that then and so after it shall and may be lawful for the said treasurer, in his own name, to sue all and every such person and persons so refusing or neglecting, for the respective sum or sums of money which he, she, or they ought to have paid as aforesaid, either before one of the justices of the peace for the said county of New Castle, if by the laws and constitution of this State he shall have jurisdiction to the amount of

Treasurer
may sue for
taxes due
and unpaid.

OF DITCHES.

Actions to
collect tax-
es; how
brought and
sustained.

such sum or sums, or otherwise before such court as shall have legal cognizance thereof, and shall give this act and the said assessment in evidence. And the said justice of the peace and the said court are hereby empowered, directed and required, speedily to hear, give judgment and grant execution for the same, with costs of suits accordingly.

Powers and
duties of
managers.

SECTION 10. The managers for the time being shall have full power and authority to dispose of and apply all moneys which shall come into the hands of the treasurer by virtue of this act in such manner as they shall deem most necessary for the general advantage of the said meadow grounds, marsh and cripple, and the orders of the said managers for the time being shall be complied with by the treasurer, and shall be good vouchers to indemnify him for the payment and delivery of the money and effects committed to his care by virtue of this act.

Proceedings
not affected
by vacancy
in office of
treasurer.

SECTION 11. That no process, suit or proceedings whatsoever, which at any time hereafter shall be commenced, sued, or brought before any justice of the peace or court of law in the name of the treasurer, in pursuance of the power hereinbefore granted for that purpose, shall be discontinued or put without day by reason of the death, disability, or removal of such treasurer, but shall stand good and effectual in law to all intents and purposes notwithstanding such death, disability or removal.

Division
drains; how
maintained.

SECTION 12. That all drains made or hereafter to be made, dividing the marsh of the respective owners within the said tract, shall be opened, scoured and cleansed by equal proportions of labor and expense of each owner along whose marsh such division drain shall pass.

Compensa-
tion of
managers.

SECTION 13. That the managers hereafter to be chosen by virtue of this act, at the end of every year hereafter, shall severally have and be allowed and paid two dollars and fifty cents per day for every day he shall duly and regularly attend the laborers and workmen employed by the said managers in pursuance of this act; and that the treasurer hereafter to be chosen yearly, for all his services to be performed under this act, shall at the end of every year hereafter be allowed and paid three per cent. on every dollar on all moneys by him collected out of the common stock or fund.

Compensa-
tion of
treasurer.

OF ROADS.

SECTION 14. That every treasurer hereafter chosen or appointed shall, before he take upon himself the execution of his office, enter into an obligation with one sufficient surety to the managers for the time being, in the sum of one thousand dollars, conditioned that he will once in three months, if required, render his accounts to the said managers, and well and truly account and settle with them for and concerning all moneys that shall or ought to have come into his hands by virtue of this act, and pay the balance that shall appear on such settlement to be in his hands unto such person or persons, or for such services as the said managers for the time being shall order and appoint, and not otherwise; and that he will at the expiration of his office well and truly deliver up and pay the balance of the moneys then remaining in his hands, together with the books of accounts concerning the same, and all other papers and writings in his keeping relating to the said property, unto his successor in the said office, and that he will do and execute all other things as treasurer to the said owners, possessors and trustees, according to the true intent, sense and meaning of this act.

Bond of
treasurer.Amount of.
Conditions
of.

Passed at Dover, April 19, 1893.

CHAPTER 670.

OF ROADS.

AN ACT to Permanently Improve the Condition of Certain Public Roads in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That within two years from and after the passage of this act the Levy Court of New Castle county are authorized and directed to secure, by purchase or condemnation, as hereinafter provided, a stone quarry along the route or within convenient reach of a railroad in New Castle county, the stone in said quarry to be of a character suitable for being broken into macadam. That the said Levy Court,

Levy Court
of New Cas-
tle county
authorized
to secure a
stone quarry
Location of.

OF ROADS.

within the time above specified, shall advertise for bids and proposals and grant to the lowest and best bidder the contract for the building of a suitable structure for confining prisoners, the same not to exceed in cost the sum of twenty thousand dollars. The person or persons accepting the contract aforesaid shall be placed under bond to the levy court in a sufficient sum and with approved sureties to secure the faithful performance of the contract.

Shall contract for a building to confine prisoners.
Cost of.

Bond of contractor.

Courts in New Castle county may commit certain offenders to workhouse at hard labor in stone quarry.

Imprisonment for drunkenness etc. not to exceed sixty days.

Duty of Supt of workhouse.

Who to be deemed vagrants under this act.

Eight hours a day's work.

Working hours.

No exemption from labor except for physical inability.
Management of refractory prisoners.

SECTION 2. It shall be and may be lawful for any court in New Castle county, having competent jurisdiction in the matters of obtaining money under false pretenses, pointing a deadly weapon, carrying concealed a deadly weapon, gambling, lottery policy writing, assault and battery, assaults, drunkenness, disorderly conduct, and vagrancy, and of such other crimes the punishment for which, in the discretion of the court passing sentence, should be hard labor, to sentence any male person or persons convicted as aforesaid to imprisonment in the workhouse of New Castle county at hard labor in the quarry aforesaid, in addition to the penalties prescribed by law; *provided nevertheless* that such imprisonment at hard labor, for drunkenness, disorderly conduct and vagrancy shall not exceed sixty days.

SECTION 3. It shall be the duty of the superintendent of the workhouse hereinafter provided for to receive all persons who may be sentenced under the provisions of Section 2 of this act and keep them at hard labor as herein provided.

SECTION 4. That all beggars and vagabonds who roam about from place to place, without any lawful business or occupation, sleeping in outhouses, barns, market places, sheds, and in the open air, and not giving a good account of themselves, shall be deemed vagrants and liable to the penalties of this act.

SECTION 5. Eight hours shall constitute a day's work at hard labor, and such hard labor shall be performed between the hours of eight o'clock in the morning and five o'clock in the evening. No person sentenced under this act shall be exempt from said labor except through physical inability properly certified to the superintendent of the workhouse by the jail physician. Should any prisoners prove refractory and stubborn, and refuse to work or perform his or their work in a proper manner, the superintendent of the workhouse shall have power to place such prisoner or prisoners in

OF ROADS.

solitary confinement, there to be kept on bread and water until he or they shall submit to perform his or their tasks and to obey his orders. Every action of the superintendent under this section shall be reported immediately to the jail commissioners, who shall have power to revise the same.

Action of
Supt. to be
reported to
jail com-
missioners.

SECTION 6. The commissioners of the jail and workhouse, as established by law, shall have supervision and control of the said workhouse and quarry in the same manner as they by law have supervision and control of the jail of New Castle county, and in consideration for the extra duties imposed and services required of the said commissioners of the jail and workhouse by the provisions of this act, the said commissioners shall be paid, in addition to the salary fixed by law, such an amount as the levy court of the said county in their discretion may deem proper.

Jurisdiction
of jail com-
missioners.

Compensa-
tion of jail
commis-
sioners for
duties here-
in imposed.

SECTION 7. After the purchase or condemnation of the quarry and construction of the workhouse aforesaid, the Levy Court of New Castle county shall elect a superintendent of the "Workhouse of New Castle County," who shall have the sole care and custody of the persons lodged therein and sentenced to hard labor, and he shall manage and direct the work which by this law the said persons are required to perform. The said superintendent of the workhouse shall be elected for a period of two years, and on entering upon the duties of his office he shall give bond with approved sureties to the Levy Court of New Castle county, in the name of the State of Delaware, in the sum of ten thousand dollars, to secure the faithful performance of his duties. In compensation for his services he shall be paid a salary to be fixed by the levy court, and not to exceed the sum of six hundred dollars per annum. The said superintendent shall reside at the workhouse, and do and perform all acts required of him by law.

Levy Court
shall elect
Superin-
tendent of
workhouse.

Duties of
Superin-
tendent.

Term of
office.
Bond.

Compensa-
tion of Supt.
Where to
reside.

SECTION 8. The levy court aforesaid are hereby empowered to employ and pay such assistants, guards, bailiffs, or other persons, as may be by them deemed necessary to properly care for and manage the prisoners aforesaid and to put into execution the provisions of this law; no salary that may be paid to any assistant, guard, bailiff, or other person, shall equal or exceed the salary paid the superintendent.

Levy Court
may employ
guards,
bailiffs and
assistants.

Salary
limits.

OF ROADS.

Jail commissioners shall advertise in December, March, June and September for proposals for supplies.

SECTION 9. The three commissioners of the jail and workhouse of New Castle county shall meet on the first Tuesday of December, March, June and September of each year, and have inserted, for a period of ten days thereafter, in two of the daily newspapers in the City of Wilmington, advertisements for bids and proposals for the contracts for furnishing the supplies for feeding the prisoners for the three months respectively following. Any person making bids or proposals for the said contracts, pursuant to the advertisement aforesaid, shall file with the said commissioners of the jail and workhouse at the time the bids or proposals are made, a bond, with approved sureties, to the Levy Court of New Castle county, in the name of the State of Delaware, in the sum of five hundred dollars to issue [insure] the good faith of the bidder, and further conditioned upon the award of a contract to the obligor, should such award be made, to secure the proper and full performance and execution of the said contract. At the expiration of the time provided for receiving bids and proposals as aforesaid, the commissioners of the jail and workhouse aforesaid shall open the bids and proposals to them made, and shall by them be published for two days in two of the daily newspapers in the City of Wilmington, and the said commissioners of the jail and workhouse, ten days before the first days of January, April, July and October respectively thereafter, shall award to the lowest and best bidder or bidders the contract or contracts for furnishing supplies as aforesaid.

Proposal to be accompanied by bond.

Amount of bond.

Condition of bond.

Proposals and bids to be published.

Contracts to be awarded to lowest and best bidder.

Upon failure of contractor to perform his contract, commissioners shall advertise as provided in Section 9.

Feeding of prisoners provided for.

Duty of Levy Court to execute bond.

Unlawful for certain officers to bid for contract of supplies.

SECTION 10. If for any reason there shall be a failure on the part of the person or persons to whom were awarded the said contract or contracts to execute and to perform the contract or contracts aforesaid, the said commissioners of the jail and workhouse shall at once advertise for bids and proposals in the manner provided by Section 9 of this act. And it shall be the further duty of the said commissioners of the jail and workhouse, during the period when there is a failure as aforesaid, to provide for the feeding of the prisoners. And the levy court, as soon as they ascertain the amount of the loss thereby incurred, shall issue execution on the bond or bonds of such person or persons and recover thereunder the loss thus incurred.

SECTION 11. It shall be unlawful for any levy court commissioner, commissioner of the jail and workhouse, the superintendent of the workhouse, the sheriff of the county,

OF ROADS.

or any of their deputies or assistants, to make bids or proposals for the contract of furnishing supplies as aforesaid.

SECTION 12. The commissioners of the jail and workhouse shall have power to make rules for the government of the workhouse and all persons connected therewith, for the cleanliness and health of the prisoners, and for the employment of convicts; they shall have power to order fuel and bedding, to furnish working tools, materials and fixtures for the workhouse, and, when directed by the levy court, they may purchase such stone-breaking machinery as the said levy court may deem proper and expedient, and to erect such buildings and walls as may be ordered by the levy court. The payment of all bills made and obligations incurred under the provisions of this act shall be in the same manner as provided by "An act in relation to the Levy Court of New Castle county," passed at Dover, April 28, 1891, for the payment of other county expenses.

Duty of jail commissioners respecting government of workhouse.

Payment of bills; how provided for

SECTION 13. Should the levy court fail to secure the quarry aforesaid by purchase, then they shall proceed to secure some suitable quarry by applying to the Court of General Sessions of the Peace and Jail Delivery of the State of Delaware in and for New Castle county for the appointment of five suitable persons, who shall go upon and view the premises selected by the levy court aforesaid and proceed to condemn the same under the law and in the manner provided for the condemnation of land for road or county purposes in Chapter 60, Revised Code of the State of Delaware.

Condemnation of quarry; how to be effected.

SECTION 14. The stone shall be broken so that it can be used for road-macadam. The stone so broken shall be divided among the several hundreds of New Castle county making demand therefor and upon payment by such hundreds of the costs of transportation.

Stone, how broken.

The division shall be made in the following manner, that is to say: should the supply exceed the demands of the several hundreds, the said hundreds shall be entitled to receive any quantity that may be ordered by the road commissioners thereof, or the street and sewer department of the City of Wilmington, and the transportation paid therefor, and if in the judgment of the commissioners of the jail and workhouse the supply of stone is much in excess of the demand, they may, after sufficient advertisement, sell the same or a part

How divided among the hundreds.

OF ROADS.

General provisions in relation to distribution of broken stone.

thereof at public sale, and turn over the proceeds therefrom to the receiver of taxes and county treasurer of New Castle county. Should the demand for stone from the several hundreds be greater than the supply, the stone shall then be equally divided between the several hundreds, car load at a time, until the orders of the several hundreds are filled and the [supply] of stone exhausted. The superintendent of the workhouse shall superintend and manage the breaking of stone, the loading of cars, and the filling of orders of the several hundreds, or purchasers at public sale; and he shall receive all payment therefor, and settle with the county treasurer on the first Monday of every month; such settlements shall be audited by the comptroller of accounts of New Castle county.

How stone shall be applied to streets and roads by City of Wilmington and the commissioners of the several hundreds.

SECTION 15. The road commissioners of any hundred in New Castle county, or street and sewer department of the City of Wilmington, making demands for stone and receiving the same, shall select one certain road in their hundred to improve, and they shall complete the improvements thereon before stone is put upon any other road. The road shall be graded, macademized, piked, or otherwise improved by means of stone, for a width of at least twelve feet, whenever such improvement may be required to keep the same constantly in good condition. The improvement of the roads by means of stone, as aforesaid, shall be, as far as practicable, continuous along the entire length of the road.

Chap. 278, Vol. 19, Laws of Delaware, null and void after this act shall take effect.

SECTION 16. That from and after the appointment of the superintendent of the workhouse, as hereinbefore provided, and when the quarry and workhouse are in readiness for the confinement of prisoners, Chapter 278, Volume 19, Laws of Delaware, entitled "An act to provide employment at hard labor for certain classes of persons in New Castle county jail," shall be null and void and of no effect.

Inconsistent acts repealed.

SECTION 17. That all acts and parts of acts inconsistent herewith are hereby repealed.

Passed at Dover, April 20, 1893.

OF ROADS.

CHAPTER 67I.

OF ROADS.

AN ACT to Enlarge the Powers of the Road Commissioners of Pencader Hundred, New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That the road commissioners of Pencader hundred be and they are hereby authorized and empowered to borrow annually an amount of money, not exceeding three-fourths of the road tax levy of the said hundred for that year, for the purpose of repairing and improving the roads, provided that the amount borrowed for any one year be paid before any amount be borrowed for the next ensuing year.

Road commissioners of Pencader hundred authorized to borrow money.
Proviso.

SECTION 2. Should, by reason of defalcation, incomplete collection of taxes, or otherwise, the amount so borrowed be not paid in the year in which it is borrowed and at the time it is due, the tax levy for the next ensuing year shall be increased to an amount to include the money due and unpaid; and upon proof to the collector of taxes and county treasurer of New Castle county of the amount due and unpaid it shall be the duty of the said collector of taxes and county treasurer to pay the person or persons entitled, out of the first moneys by him received from the taxes of the said hundred, the amount due.

Provision if money not paid when due.

Passed at Dover, March 23, 1893.

OF ROADS.

CHAPTER 672.

OF ROADS.

AN ACT to amend Chapter 85, Vol. 16, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Section 1 of Chapter 85, Vol. 16, Laws of Delaware, be and the same is hereby amended by striking out the word "ten," in the fourth line, and inserting in lieu thereof the word "fifteen".

Chap. 575,
Vol. 18,
repealed.

SECTION 2. That Chapter 575, Vol. 18, and Chapter 172, Vol. 19, Laws of Delaware, be and the same are hereby repealed.

Road com-
missioners
of Red Lion
hundred
may borrow
money to
pay debts
now created.

SECTION 3. Amend said act by adding thereto the following additional section: "That the road commissioners of Red Lion hundred and their successors be and they are by this act authorized and directed to borrow an amount of money equal to the indebtedness of the said hundred created by road commissioners up to the time of the passage of this act, and to pay the same to the person or persons entitled thereto, and from the moneys received annually for road purposes for a period of four years after the tax levy of the present year the road commissioners of said hundred shall pay off and liquidate the debt created by the loan secured as aforesaid."

How to be
paid.

May borrow
money to
repair and
improve
roads.

SECTION 4. That the road commissioners of Red Lion hundred be and they are hereby authorized and empowered to borrow annually the amount of money, not exceeding one-half of the road tax levy of the said hundred for that year, for the purpose of repairing and improving the roads, provided that the amount borrowed for any one year be paid before any amount be borrowed for the next ensuing year.

Proviso.

Provision if
moneys bor-
rowed not
paid when
due.

SECTION 5. Should, by reason of defalcation, incomplete collection of taxes, or otherwise, the amount so borrowed be not paid in the year in which it is borrowed and at the time it is due, the tax levy for the next ensuing year shall not be increased; and upon proof to the collector of taxes and county treasurer of New Castle county of the amount due

OF ROADS.

and unpaid, it shall be the duty of the said collector of taxes and county treasurer to pay the person or persons entitled thereto, out of the first moneys by him received from the taxes of the said hundred, the amount due.

County
Treasurer to
pay to per-
sons entitled

SECTION 6. Anything in the act hereby amended inconsistent with the provisions of this act is, for the period in which such inconsistency may exist, repealed.

Inconsistent
acts re-
pealed.

Passed at Dover, March 31, 1893.

CHAPTER 673.

OF ROADS.

AN ACT to provide for the Permanent Protection of a certain Public Road in New Castle Hundred from flood and inundations of the Delaware River.

WHEREAS there is a portion of a certain public road and causeway in New Castle hundred, leading from the City of New Castle to Delaware City, commonly called the "River Road," crossing the low lands contiguous to the Delaware River, which has been dependent upon and protected by the dykes and embankments along said river kept up and maintained by the Mill Creek Marsh Company for many years past;

Preamble.

AND WHEREAS the said low lands crossed by said public road are much lower than the water level in said river, and but for the said protection against flooding and inundation afforded by the said dykes and embankments it would have been impossible to have constructed or kept up the said public road without an enormous expenditure of money in their original construction and a large appropriation by the county of New Castle annually for their maintenance;

Further
preamble.

AND WHEREAS by recent storms, and by reason of wear and tear, the old sluice and banks were rendered useless, and a new sluice and banks have been constructed by the said Mill Creek Marsh Company, at a cost of more than three

Further
preamble.

OF ROADS.

thousand dollars, thus preventing the flooding and total destruction of said public road, and by said storms and wear and tear the said marsh company has sustained serious loss and has been unable and is still unable to raise the money necessary to properly protect said banks and sluice;

Further
preamble.

AND WHEREAS the low lands of the said Mill Creek Marsh Company are now unprofitable so much so that the said company will have to allow the bank to go down and the sluice to go out, thus flooding the adjacent territory to the depth of several feet of water and totally destroying said public road;

Further
preamble.

AND WHEREAS the protection of the said embankment and sluice is absolutely necessary at this time for the preservation and maintenance of said public road, and if allowed to go down the road will not only be destroyed but the county and the City of New Castle will be great sufferers, not only in a sanitary point of view, the public health being thereby greatly endangered, but much property now taxable will become untaxable, and the reconstruction of the road will become an immediate and absolute necessity, costing the county many thousand dollars; therefore

To provide a means for the permanent protection of the said road at a comparatively small expense, if applied at once,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Levy Court
of New Cas-
tle county
authorized
to make an
appropria-
tion to the
"Mill Creek
Marsh Com-
pany."

SECTION 1. That the Levy Court of New Castle county be and it is hereby authorized and empowered to make an appropriation of the public moneys to the Mill Creek Marsh Company of an amount not exceeding two thousand dollars, to be paid to the treasurer of said company and to be used by the said company in protecting by stone and in strengthening the river bank, creek bank and sluices of said marsh company, and thus preserving from ruin the public road belonging to New Castle county and described in the preamble of this act.

Duties of
"Mill Creek
Marsh Com-
pany" under
this act.

SECTION 2. That said Mill Creek Marsh Company, after the said work shall have been completed and all expenses incurred by it shall have been paid, shall render an account of the same with proper vouchers to the Levy Court, and if it shall appear after the auditing of said account there is any

OF ROADS.

surplus or unexpended balance in its hands of said money, such surplus or unexpended balance shall be paid back or returned to the treasurer of New Castle county for county purposes.

Surplus to be paid to County Treasurer.

SECTION 3. That this act shall be deemed and taken to be a public act, and published as such.

Passed at Dover, April 5, 1893.

CHAPTER 674.

OF ROADS.

AN ACT to supplement and amend Volume 15, Chapter 407, and Volume 17, Chapter 534.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That the road commissioners shall not levy on the persons and property situated in said hundred, without the limits of the City of New Castle, a road tax which shall exceed the sum of twenty cents on the hundred dollars.

Tax to be levied in hundred outside limits of New Castle. Rate of.

SECTION 2. That when any new road within the limits of New Castle hundred is laid out and ordered to be built, the road commissioners of said hundred are hereby authorized to levy and collect such additional taxes as shall be sufficient to pay for building the same.

Additional tax for new roads; by whom levied

SECTION 3. That when the roads become blocked with snow the road commissioners of said hundred shall be allowed to borrow, at the legal rate of interest, sufficient sums of money to enable them to keep the roads open, and provide for repayment of the same by levying such additional taxes as shall be sufficient for that purpose.

Provision for clearing roads of snow.

SECTION 4. This act shall be deemed a public act.

Passed at Dover, April 19, 1893.

OF ROADS.

CHAPTER 675.

OF ROADS.

AN ACT authorizing the Widening of a Road in Christiana Hundred,
New Castle County.

*Be it enacted by the Senate and House of Representatives
of the State of Delaware in General Assembly met:*

Commis-
sioners ap-
pointed to
widen road.

Location of
road.

SECTION 1. That Isaac Grubb, John W. Jolls and Joseph Davidson be and they are hereby appointed commissioners to widen the road in Christiana hundred, New Castle county aforesaid, known as the "New Road," extending in a south-westerly direction from a point in Union Street in said city of Wilmington extended, at a point near where said Union Street would be intersected by Beech Street in said city extended; said road passing through Elsmere, and through the lands of the estate of Samuel B. Davis, the estate of Nelson Cleland, lands of Dr. J. P. Stidham, lands of Ann B. Foreman, Newton J. Derrickson, George Leach, Thomas Taylor, lands of the estate of Thomas Walters, William M. Bracken, John J. Flinn, Edward Woodward, and William Frederick, to the intersection of said road with the road extending to Marshallton, said intersection being at a point known as "Price's Corner."

Width of
road.

Duties of
commis-
sioners.

Shall assess
damages.

Owners of
land to con-
tribute
equally.

SECTION 2. That the aforesaid commissioners shall widen said road designated in Section 1 of this act so as to make it a road of the width of sixty feet, forty feet of which shall be a driveway, and ten feet space upon each side for walks, paths or pavements; they shall, with the assistance of some skillful surveyor, after being duly sworn or affirmed, lay out such road, widened as aforesaid, and shall cause a plot thereof to be made representing the courses and distances thereof, and shall assess the damages of every owner of land through which said road shall pass, taking into consideration all the circumstances of benefit as well as injury, and they shall make a computation of the costs of widening said road. The additional width of the said road through the town or village of Elsmere shall be taken equally from the owners on each side of the present road.

OF ROADS.

SECTION 3. The plot and return, so to be made as aforesaid, shall be returned to the Clerk of the Peace in and for New Castle county, to be by him laid before the Levy Court Commissioners of said county, and if said commissioners shall approve of the same they shall make an appropriation for widening the said road as provided in this act and shown by the plot and return to be made as aforesaid.

Plot and return to be returned to Clerk of Peace.
Duty of Levy Court.

SECTION 4. That the commissioners named in this act are hereby directed, authorized and empowered, before entering upon the duties hereto assigned unto them, to administer unto each other and to the surveyor an oath to perform their duties faithfully and impartially; the acts of a majority of them shall be as valid as if concurred in by all of them; and in case of a vacancy, by refusal or failure of one or more of the commissioners named in this act to serve, another or others may be appointed by any justice of the peace in and for New Castle county, upon application, in writing, by any three citizens, freeholders of said Christiana hundred.

Oath of commissioners and the surveyor.
Acts of majority valid.
Vacancies; how filled.

SECTION 5. The compensation of the commissioners who shall serve as provided in this act, together with the surveyor and other persons employed, shall be such as the Levy Court Commissioners may deem proper.

Compensation to be fixed by Levy Court.

SECTION 6. Upon the return of the commissioners provided for by this act to the Levy Court Commissioners as aforesaid, if the said Levy Court Commissioners approve of the same, said road shall be adopted as a public road and be and remain subject to the same regulations and laws as other public roads, and shall be widened, as provided in this act, within as short a time as possible.

Subject to road laws when approved.

SECTION 7. This act shall be deemed a public act and be printed as such.

Passed at Dover, April 25, 1893.

OF ROADS.

CHAPTER 676.

OF ROADS.

AN ACT in relation to Augustine Marsh.

*Be it enacted by the Senate and House of Representatives
[of the State of Delaware] in General Assembly met :*

Levy Court
of New Cas-
tle county
authorized
to contract
with certain
land owners
and Marsh
companies

SECTION 1. That in case the Levy Court of New Castle county shall deem it advisable to construct a bank of earth across the mouth of Augustine creek for the purpose of maintaining the public road now crossing the said creek by a bridge in order to reduce the cost of maintaining said road and to increase the amount of arable land in the neighborhood, then it shall and may be lawful for said levy court, in its discretion, to enter into any contracts or agreements with landowners or marsh companies, which would be affected by such improvement, for contribution by them to the cost of constructing or maintaining said bank.

Passed at Dover, April 25, 1893.

CHAPTER 677.

OF ROADS.

AN ACT to Protect County Roads and Bridges.

*Be it enacted by the Senate and House of Representatives
of the State of Delaware in General Assembly met :*

County
road or
bridge not
to be occu-
pied by rail-
way without
consent of
Levy Court.

SECTION 1. That no county road or bridge shall be used or occupied by any electric or other railway without the consent of the levy court of the county first had and obtained and subject to such regulations and conditions as the said levy court may from time to time prescribe.

Passed at Dover, April 26, 1893.

OF ROADS.

CHAPTER 678.

OF ROADS.

AN ACT in relation to Roads and Highways in Brandywine Hundred.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. The qualified voters of Brandywine hundred shall, on the second Saturday in April, A. D. eighteen hundred and ninety-five, and each and every year thereafter, elect five suitable persons as supervisors of roads and highways, to serve for the term of one year. The persons so elected shall severally be sworn or affirmed to execute the duties of a supervisor of roads for the said hundred to the best of his skill and judgment, according to law. Any person who is a resident of the district from which he is a candidate for the office of supervisor of roads shall be eligible to hold the said office of supervisor, provided he has other qualifications as are now necessary to hold the office of road commissioner. A "qualified" voter is one who is qualified to vote for the office of road commissioner.

Supervisors of roads to be elected in 1895, and annually thereafter.

Oath of office.

Who eligible

"Qualified" voter.

SECTION 2. That Brandywine hundred shall, for the purposes of this act be and the same is hereby divided into five districts, to wit:

Hundred divided into five districts

One, to be known as District Number One, shall be composed of School Districts Numbers 87, 7 and 8, as now laid out, and that portion of Brandywine hundred belonging to Rising Sun School District of Christiana hundred; another, to be known as District Number Two, shall be composed of School Districts Numbers 6 and 98; another, to be known as District Number Three, shall be composed of School Districts Numbers 4 and 5; another, to be known as District Number Four, shall be composed of School Districts 1 and 2; and another, to be known as District Number Five, shall be composed of School Districts Numbers 73, 102 and Edgemoor School District.

Dist. No. 1.

Dist. No. 2.

Dist. No. 3.

Dist. No. 4.

Dist. No. 5.

SECTION 3. That from and after the passage of this act the office of road commissioner in and for Brandywine hundred, as heretofore existing and by law established, is by this act abolished; and the terms and powers of the road com-

Office of "road commissioner" abolished.

OF ROADS.

missioners for the said hundred, incumbent at the time of the passage of this act, be and the same are hereby terminated and ended. The following named citizens of Brandywine hundred shall be and they are hereby appointed supervisors of roads for their respective districts as set forth in Section 2 of this act. For District No. 1, Frank Petittedemagne; District No. 2, William H. Clark; District No. 3, Alfred D. Pierce; District No. 4, Bayard Guest; and District No. 5, John Shaw. The aforesaid citizens of Brandywine hundred, appointed supervisors of roads for their respective districts aforesaid, shall do and perform all the duties required of them by this act, and in all respects act in accordance with the provisions thereof.

They shall hold office from the date of the passage of this act until the first Saturday after the second Saturday in April A. D. eighteen hundred and ninety-five, when their successors shall have been elected as provided by Section 1 of this act, and the supervisors of roads to be annually elected to succeed and hold office after the expiration of the terms of office of the supervisors of roads named in this act shall hold office and perform the duties thereof from the first Saturday after the second Saturday in April in the year following, or until their successors are duly elected. The said supervisors of roads shall meet in the hundred on the second Saturday of May of the present year to do and perform the duties required of them by Section 4 of this act, and the supervisors of roads hereafter to be elected shall meet at the times and perform the acts set forth by the said Section 4 of this act. The road commissioners of Brandywine hundred, whose offices are abolished by this act, shall settle all accounts on or before the second Saturday in May of the present year, and shall deliver to the supervisors of roads hereby appointed all books, papers, tools, goods and chattels belonging to them in their capacity as road commissioners by the date last aforesaid.

SECTION 4. It shall be the duty of each supervisor of roads, between the date of his election to office and the first Monday in May following, to estimate the amount of money that will be required during the year in which he is in office to keep the roads and highways and all bridges, not county bridges, in his district in good repair. The five supervisors of roads shall meet in their hundred on the first Monday in May following their election and shall canvass, revise, alter

OF ROADS.

and pass upon, in joint session, the estimates of each supervisor for his district. They shall estimate the total sum of money that will be necessary for roads and highways and all bridges, not county bridges, and calculate the rate thereof per centum on the duplicate of their hundred, which shall have been approved by the county commissioners in March previously, and shall lay the tax accordingly. They shall then make and sign a certificate of the rate and amount of tax so estimated, and shall, within five days after the said first Monday in May, deliver the same to the county treasurer, whose duty it shall be to collect the same and deposit it in the Farmers' Bank at Wilmington to the credit of the supervisors of roads of Brandywine hundred.

Certificate
of tax rate
and amount.
To whom
delivered.

Duty of
county
Treasurer.

SECTION 5. It shall be the duty of each supervisor of roads to mend and repair all roads and highways in his district within forty days from the second Monday of May in each and every year. At least ten days before starting the work of mending and repairing the roads and highways of his district he shall give notice of the time of starting such work, and also he shall state in such notice what road and at what point thereon he will start such work. Said notices shall be posted in six of the most prominent places in his district. No supervisor shall use his own teams for any work provided to be done by this act in mending and repairing the roads of Brandywine hundred. No resident of the district shall be allowed to furnish and receive pay for his team for mending and repairing the roads and highways for a longer period than one day; *Provided* that should the supervisor be unable to procure any team other than one that had already been furnished for one day's work, he may procure a team wheresoever he can in the said district, if possible, and if not possible to obtain the necessary team or teams in his own district then he may procure them wherever he can. All taxpayers who apply for work on the roads and highways as aforesaid shall receive work. Each man so applying for work shall furnish his own tools for that purpose, except tools for stonework. The supervisors shall furnish all necessary tools for stonework.

Time for
mending
roads.

Notice; con-
tents of.

Where
posted.

Supervisor's
teams not to
be used.

Teams of
residents to
be used one
day only.

Proviso.

Taxpayers
may work.

Tools; by
whom sup-
plied.

Where the dividing line between any two districts is a road or highway, the supervisors of the districts so separated by such road shall equally divide the work of repairs on such road or highway, and one-half of such road or highway shall be kept in repair by each supervisor.

Division
roads, how
propor-
tioned.

OF ROADS.

Supervisors
shall keep
itemized
accounts.

Inspection
of.

SECTION 6. The supervisors of roads shall keep an itemized account of all money paid in each district, to whom the same is paid, and for what work, and the same shall be open to public inspection of taxpayers of their district, at any reasonable and proper time, upon the request of any taxpayer.

Return to
county com-
missioners.

Audited
accounts;
where to be
posted.

They shall make return of their accounts as aforesaid to the county commissioners on or before the first day of March following their election. The county commissioners shall audit the said accounts of the supervisors not later than the fifteenth of March aforesaid. The accounts when audited shall be returned to the supervisors who shall then post statements of the said accounts, as audited, in five of the most prominent places in each district.

Compensa-
tion of
supervisors.

SECTION 7. The supervisors of roads shall receive as compensation the sum of two dollars per day; *provided however* that no supervisor shall receive more than one hundred dollars compensation for his entire term of one year. He shall not be allowed more than one day's pay for making his estimate of the amount of money that will be required to keep the roads and highways and all bridges, not county bridges, of his district, in repair, as provided in Section 4 of this act. He shall be allowed one day's pay for posting notices whenever required by the provisions of this act so to do. He shall be allowed two days' pay for all services in connection with the auditing of his accounts before the county commissioners as provided herein. He shall be allowed one day's pay for the meeting of supervisors, as provided in Section four of this act; also he shall be allowed one day's pay for making his statement, as provided in Section six.

Per diem for
work upon
roads.

Claims to be
settled semi-
annually.

Each taxpayer who shall work at mending and repairing the roads and highways as aforesaid shall be entitled to receive as compensation the sum of one dollar and a-half for each day he shall work. For each horse furnished for work as aforesaid the owner thereof shall be entitled to receive as compensation the sum of one dollar per day. The said supervisors shall settle all claims that may be presented and approved, twice in each year, to wit: on the first Monday of September and February, provided they have sufficient funds in the Farmers' Bank to their credit.

Supervisors
shall clear
roads of
snow.

SECTION 8. It shall be the duty of the supervisors of roads in time of heavy snow storms, by which the public roads and highways become filled with snow so as to impede

OF ROADS.

travel, to provide teams, men, and such other appliances as may be needed to at once make the said road and highway passable.

SECTION 9. The supervisors of roads as herein provided for shall have power and authority to anticipate the road tax for their hundred in any year by borrowing money at legal interest. Supervisors may borrow money.

SECTION 10. In case of the death, resignation or removal from office, or from the district, of any supervisor of roads elected under this act, it shall be the duty of the officers who held the last election for supervisors of roads to duly announce and hold an election for the successor of the supervisor so dying, resigning or removing. Should, however, there be a vacancy by death, resignation or removal from office or from the district of the supervisors of roads appointed under this act, it shall be the duty of the remaining supervisors of roads, to fill the vacancy or vacancies. Vacancies; how filled.

SECTION 11. Every neglect of the duty of the supervisors of roads, as set forth in this act, shall be a misdemeanor, and shall be punishable by a fine of twenty dollars; any justice of the peace of Brandywine hundred, and of the City of Wilmington, shall have jurisdiction of any charge involving a neglect of duty of any supervisor; one half of any fine or penalty for neglect of duty as herein provided for and collected shall be paid to any person who shall sue for the same in an action before any such justice of the peace; the other half shall go for the use of the roads of the district in which such neglect of duty has taken place. Neglect of duty a misdemeanor. Jurisdiction of Justice of the Peace. Fines; how applied.

SECTION 12. At the annual election for supervisors, to be held on the second Saturday in April, there shall be elected one inspector for each district, whose duty it shall be to hold elections for supervisors and inspectors. His term shall be one year. He shall appoint two judges of election, one from the democratic and [one from the] republican party, who shall also act as clerks. The said inspector and judges shall make and sign a certificate of election for each supervisor and inspector elected. The inspector shall give at least ten day's notice, posted in five of the most prominent places in his district, of the time and place of holding any election. Each inspector and judge shall receive the sum of two dollars for holding any election. The school commissioners of each school district wherein any election as aforesaid shall be held shall Election officers; how chosen. Certificates of election. Notice of election. Compensation of Judges and Inspector.

OF ROADS.

Hire of school building. Election expenses; how paid. Polls open from 2 to 7 o'clock. Supervisors shall hold first election. Places of holding elections.

receive for the use of the schoolhouse the sum of two dollars for each election held therein. All expenses incurred in holding elections shall be paid by the supervisors out of the funds received for road tax. The annual election for supervisors and inspectors shall be held between the hours of two and seven in the afternoon, and the polls shall be open for that purpose from two o'clock until seven o'clock. The supervisors of roads named in Section 3 of this act, or their successors if any there be, shall hold the election on the second Saturday in April, A. D., eighteen hundred and ninety-five, under and in accordance with the provisions of this act. Elections shall be held in the several districts, at the following places: In district number one, at schoolhouse number seven; in district number two, at schoolhouse number six; in district number three, at schoolhouse number five; in district number four, at schoolhouse number two; in district number five, in schoolhouse number seventy-three.

Funds; where deposited. How drawn.

SECTION 13. The county treasurer of New Castle county shall deposit all amounts of money collected for road tax in Brandywine hundred in the Farmers' Bank, at Wilmington, to the credit of the supervisors of roads of Brandywine hundred. Such funds so deposited shall be subject to the order of the said supervisors, who shall all sign their names to any checks or orders thereon.

Inconsistent laws repealed as to Brandywine hundred. Proviso. Officers shall comply with provisions of act of April 19, 1889.

SECTION 14. So much of the law of this State relating to public roads and highways as is inconsistent herewith is hereby repealed so far as it relates to Brandywine hundred in New Castle county; *Provided however* that nothing contained in this act shall in any manner interfere with, abridge or limit the rights, duties and liabilities which have arisen, or may arise under or by virtue of an act entitled "An act to encourage the improvement of the public roads and to provide for the maintenance thereof in New Castle county," passed at Dover, March 28, 1887 (18 Del. Laws, Ch. 121, page 184, &c.), as the same was amended April 19, 1889 (18 Del. Laws, Ch. 578 and 579, page 702, &c.), and that so far as said last mentioned acts and amendments are concerned they shall continue and be of the same force and effect as if this act had never been passed; and those officers who by or under the provisions of this act are to be substituted for and perform the duties of the road commissioners of Brandywine hundred shall conform to and comply with the said act of

OF ROADS.

March 28, 1887, as amended April 19, 1889, the same as it has heretofore been the duty of the road commissioners of said hundred to conform to and comply with said act as amended as aforesaid.

Passed at Dover, May 4, 1893.

CHAPTER 679.

OF ROADS

AN ACT to lay out a Public Road in Kenton Hundred, Kent County, Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. David Rees, James C. Lecompt and Charles H. Dulin, three judicious and impartial citizens and freeholders of Kent county, be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a public road to begin at the line dividing the States of Delaware and Maryland where a public road now laid out in the State of Maryland ends, on lands of Charles E. Lee, and running thence in an easterly direction across lands of the said Charles E. Lee, lands of Thomas Maberry, and lands of John Reihm, to a point in the road which leads from Hazel's Corner to Hollett's Corner, at or near a gate on the lands of the said John Reihm; and if they, or a majority of them, shall determine that there is need of such a road, they shall, with the assistance of a skillful surveyor, to be by them chosen, lay out such new public road as they may deem proper, having respect for the nature of the grounds, the shortness of the distance, and all circumstances of public convenience, and shall cause a plot thereof to be made representing the courses and distances thereof, with notes of the most remarkable places of the land and improvements by and through which the same shall pass, and shall assess the damages of every owner of said land and improvements by reason of laying out of said road, taking into

Com-
missioners ap-
pointed,

Location of
road.

Surveyor.

Duties of
commis-
sioners.

OF ROADS.

Damages to land owners; how assessed. consideration all the circumstances of benefit as well as injury which shall accrue to said owners; and they shall make a computation of the costs of opening and making said road and making the bridges and causeways thereon, if any bridges and causeways are needed, setting down the several items of said costs; and if a road shall be laid out they shall in their return, to be made to the Clerk of the Peace in and for Kent county, set forth a description of said road and their determination that there is need of the same for public convenience, and shall annex to their said return a plot as aforesaid.

Return to be made to Clerk of the Peace. Plot.

Return to Clerk of the Peace to be laid before Levy Court. SECTION 2. The plot and return to be made as aforesaid by the said commissioners, or a majority of them, shall be returned to the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court of said Kent county at the then next regular or adjourned term of said court; and the said levy court may adopt said road as a public road or highway, and settle such damages as may have been assessed, and when said road shall have been adopted as a public road by the said levy court the same shall be and remain subject to the same regulations and laws as other public roads in said county.

Duties of Levy Court. Road subject to general road laws.

Oath of commissioners and surveyor. SECTION 3. The said commissioners and surveyor, before performing their respective duties under this act, shall be sworn or affirmed to perform the same according to the best of their skill and judgment respectively, which oath may be administered by either of said commissioners. The acts of a majority of said commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies of one or more of said commissioners, another or others may be appointed by any justice of the peace residing within Kent county. The fee of the commissioners, surveyor, and chain carriers, shall be the same as now provided by law for such services in cases of laying out public roads, and be paid in like manner.

Act of majority of commissioners valid. Vacancies, how filled. Compensation of commissioners and others.

Passed at Dover, February 15, 1893.

OF ROADS.

CHAPTER 680.

OF ROADS.

AN ACT authorizing the Opening and Laying out of a New Public Road in Kenton Hundred, Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That David Rees, George Cook and Robert H. Darrah, three judicious and impartial citizens and substantial freeholders of Kent county, be and they are hereby appointed commissioners to go upon and view the lands and premises and determine whether there is need of a new public road in Kenton hundred aforesaid, beginning at a point in the public road, in said Kenton hundred, leading from Blackiston's church through lands of James M. Budd to the town of Kenton, south of a small bridge on said road and in a line of lands of James M. Budd and lands of Henry F. Hepburn, and thence running along and with the north side of the line of the said Budd and Hepburn on a northeasterly direction to a stone for a corner of lands of the said Budd, Hepburn and lands of John Maguire, thence running with the line of lands of the said Henry F. Hepburn and lands of the said John Maguire in an easterly direction to lands of the Farmers' Bank of the State of Delaware, and thence continuing on the same direction or course and with the southerly boundary line or lines of the said lands of the Farmers' Bank to a point at or near a stone and marked chestnut tree for a corner of the lands of the said Farmers' Bank, lands of Charles Raughley and lands of John Pratt, and thence running with the line between the lands of the said Charles Raughley and the said John Pratt on a northeasterly direction to a point in the public road leading from the town of Kenton to Blackiston's Cross Roads, in Kenton hundred aforesaid; and if they, or a majority of them, shall determine that there is need of a new public road as above designated, they shall, with the assistance of a surveyor to be selected by them, lay out a new public road of the width of thirty feet, having respect to the nature of the ground, the shortness of the distance, and all circumstances of public convenience, and shall cause a plot thereof to be made representing the courses and distances thereof, through whose lands the same shall pass, and

Commissioners appointed.

Location of proposed road.

Surveyor.

Plot to be made.

OF ROADS.

Assessment of damages they shall assess the damages of every owner of said lands, taking into consideration all the benefit as well as injury which will accrue to each of the owners, and they shall make a computation of the costs of opening and making said road, the bridges and causeways included, setting down the several items of costs, and shall make return of all their proceedings to the Clerk of the Peace in and for Kent county, to be by him filed in his office as a record of a public road in Kent county. The report shall be under the hands of said commissioners, or a majority of them.

Return to be made to Clerk of the Peace.

Majority report.

Return to be laid before Levy Court.

To become a public road upon being approved

SECTION 2. It shall be the duty of the Clerk of the Peace, at the next regular or adjourned session of the Levy Court of Kent county, after the return has been made to him and by him filed in his office, to lay the same before the levy court aforesaid; and when said road return and plot are approved by said levy court an appropriation may be made by the said levy court for opening said road, and when opened shall in all respects be a public road in Kent county.

Commissioners and surveyor to be sworn.

Vacancies; how filled.

SECTION 3. That the commissioners and surveyor shall be severally sworn or affirmed, before entering upon the duties hereby assigned to them, to perform the same faithfully and impartially. The said commissioners may qualify each other and the surveyor. Any commissioner neglecting or refusing to serve, or dying before the duties required of him under this act shall be fully completed, then the associate judge, residing in Kent county, may appoint some person or persons to fill the vacancy or vacancies so occurring, upon the application of three citizens of Kent county by petition preferred to said judge.

Commissioners and others: how to be paid.

SECTION 4. The fees of the commissioners, surveyor and chain carriers shall be the same as are generally allowed and provided for by law for similar services in the laying out of public roads, and shall be paid for by the Levy Court of Kent county at the next regular or adjourned session of said court after the return thereof has been made.

SECTION 5. This act shall be deemed and taken to be a public act.

Passed at Dover, Feb. 16, 1893.

OF ROADS.

CHAPTER 68I.

OF ROADS.

AN ACT to lay out a New Public Road in South Murderkill Hundred,
Kent County.

*Be it enacted by the Senate and House of Representatives
of the State of Delaware in General Assembly met :*

SECTION I. That John W. Taylor, Thomas D. Hubbard and Francis M. Soper, three judicious and impartial citizens and freeholders of Kent county, be and they are hereby appointed commissioners, who are authorized, empowered and directed to go upon and view the premises and determine whether a new public road should be laid out, beginning at a point known as the mouth of a byroad known as the Williams road, on the public road leading from Bowers' Beach to Frederica, and running thence with the said Williams byroad in a northeastwardly direction on or about the dividing line between lands of Mrs. Emina Camper and Caleb B. Williams until it intersects the public road known as the Warren Landing road at a point at which the aforesaid Williams byroad terminates; and if the said commissioners, or a majority of them, shall determine that the public convenience requires that the said new road should be laid out, then they shall, with the assistance of a skillful and impartial surveyor, by them to be employed, lay out the said new road, and shall have a plot of the same prepared, showing the courses and distances thereof; shall assess damages (if any), having due regard to all the circumstances of benefit as well as injury, and they shall make a computation of the cost of opening and making said new road and return their proceedings, accompanied by the plot aforesaid, to the Clerk of the Peace in and for Kent county, to be by him laid before the Levy Court of Kent county, that the said levy court may make the necessary appropriations for opening and making the same as a public road. When the draft and return shall have been accepted by the said levy court, the said road hereinbefore described and authorized to be laid out and made shall be deemed and taken to be a public road, and the laws applicable to public roads in Kent county are hereby extended to and shall apply to the said road.

Commissioners appointed.

Location of road.

Surveyor.

Plot.

Assessment of damages.

Return to Clerk of the Peace.

Road to be a public road on approval by Levy Court.

OF ROADS.

Oath of
com-
mis-
sioners and
surveyor.

SECTION 2. *And be it further enacted by the authority aforesaid,* That the said commissioners, and the surveyor selected by them under this act, shall be severally sworn or affirmed faithfully and impartially to perform the several duties required of them under this act before they enter upon the same respectively; said oath or affirmation may be administered by any person authorized to administer oaths or affirmations within this State, or the said commissioners may administer the same to each other and also to the surveyor.

Vacancies;
how filled.

In case of the death of any of the commissioners or the refusal to act, or any other inability to act, another or other commissioner or commissioners may be appointed to fill such such vacancy or vacancies by any justice of the peace of Kent county. The acts of a majority of the commissioners shall be as good and valid as if concurred in by all of them, and their fees and those of the surveyor shall be fixed by the levy court.

Acts of a
majority
valid.

Fees, how
paid.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, February 22, 1893.

CHAPTER 682.

OF ROADS.

AN ACT to lay out a Public Road in Milford Hundred.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Com-
mis-
sioners to
view prem-
ises and lay
out road.

SECTION 1. That William J. Townsend, Joshua Bennet and John W. Hall of Wm., be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a new public road in Milford hundred, Kent county, beginning at a point in the public road leading from the Delaware bay to Frederica, and running in a southerly course down the line of the heirs of Wm. P. Beswick's land, all the road on land of R. J. Beswick

Location of
road.

OF ROADS.

until it intersects the road now used by the public; thence down said road in a straight line, or nearly so, to land of A. B. Hering; thence therewith and land of R. J. Beswick to a public road leading from the M. E. Church in Milford Neck to the town of Milford; and if the said commissioners, or a majority of them, shall determine that there is need of a new public road, they shall, with the assistance of a skillful surveyor to be by them selected, lay out and locate said new public road, and shall have a plot of the same prepared, showing the courses and distances thereof, with estimate of costs of opening and widening the road; they shall also make a return of their proceedings, accompanied by a plot of the new public road, and a statement and estimate of its cost, to the Levy Court of Kent county, that the said levy court may make necessary appropriation for opening and widening the same as a public road.

Surveyor to
assist in lay-
ing out.
Plot.

Return to be
made to
Levy Court.

SECTION 2. That the said commissioners and surveyor, before performing their respective duties under this act, shall be severally sworn or affirmed to perform the same according to their best skill and judgment. Either of said commissioners may administer the oath or affirmation to the other commissioners, and to the surveyor, and any act of a majority shall be as valid as if all had concurred.

Oath of com-
missioners
and sur-
veyor.

Acts of ma-
jority valid.

SECTION 3. The fees of the commissioners, surveyor, and chain carriers, shall be the same as in other cases for like services, and shall be paid by the Levy Court of Kent county.

Fees, how
paid.

SECTION 4. That this act shall be deemed and taken to be a public act.

Passed at Dover, March 1, 1893.

OF ROADS.

CHAPTER 683.

OF ROADS.

AN ACT to lay out a Public Road in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That William J. Frasher, Andrew Holden and Willard S. Meredith, three judicious and impartial citizens of South Murderkill hundred, Kent county, Delaware, be and they are hereby appointed to go upon and view the premises and determine whether there is need of a new public road, to begin at a corner of John A. Killen's lands and lands of Jacob B. Meredith, on the public road leading from Robert J. Reynolds' farm to Felton, thence in a south-westerly direction, between the lands of Charles R. Layton, Jacob Kemp, Sarah A. Warren and Mary E. White, to a point in a public road about one hundred yards from the Warren schoolhouse, a distance of about three-fourths of a mile. If they, or a majority of them, shall determine that there is need of a new public road they shall (with the assistance of a skillful surveyor by them employed) lay out the same and assess the damage, if any, and estimate the cost of making said road and cause a plot to be made representing the courses and distances thereof.

SECTION 2. That the plot and report, so to be made as aforesaid by the said commissioners, or a majority of them, shall be returned to the Clerk of the Peace in and for Kent county, to be by him laid before the levy court of said county that they may make appropriation for the opening and making of the same.

SECTION 3. That the commissioners are hereby authorized to administer oaths to each other and to the surveyor by them employed.

Passed at Dover, March 10, 1893.

OF ROADS.

CHAPTER 684.

OF ROADS.

AN ACT to vacate a certain Private Road in Mispillion Hundred.

WHEREAS there is no need of a certain private road situated in Mispillion hundred, on the lands of Alfred H. Cahall, Clinton L. Williamson and Philip W. Downes, Preamble.

AND WHEREAS the said private road is not now used because of a new public road that has taken its place and is used in its stead; therefore Further preamble.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the private road leading through the lands of Alfred H. Cahall, Clinton L. Williamson and Philip W. Downes, or so much of said road as runs through the lands of the said Alfred H. Cahall, be and the same is hereby vacated, and that the said Alfred H. Cahall be and is hereby given authority to close up and put a fence across that portion of said road passing through his lands. A certain private road vacated.

SECTION 2. This act shall be deemed and taken to be a public act.

Passed at Dover, March 31, 1893.

OF ROADS.

CHAPTER 685.

OF ROADS.

AN ACT to change the course of a certain Public Road in Mispillion Hundred, Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Zebulon Hopkins, James B. Prettyman and Sermizer Fisher, three judicious and impartial citizens of Kent county, be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need or necessity to change the location of a public road in the village of Farmington, being a short road running parallel with the Delaware Railroad, in a southerly direction from Main Street or Milford Road to a road or street called Sussex Road, and if the commissioners, or a majority of them, shall determine that there is need or necessity to change the location of the said road over near the building line, then they shall, with the assistance of a surveyor to be by them employed, proceed to lay out said road, in the manner and form aforesaid, as will be most advantageous to the public and least injurious to individuals who own the land through which the road shall pass, and assess the damages of every owner of said lands by reason of the laying out of said road, taking into consideration all the circumstances of benefit as well as injury which will accrue to each of said owners, and cause a plot of the same to be made, with a return to the Levy Court of Kent county, setting forth a description of said road, and their determination that there is need of the same, and when the draft and return of said road shall have been approved by the said levy court the said road shall then be deemed and taken to be a public road should the said levy court make the appropriation for changing the same, and all the laws applicable to public roads in Kent county shall extend and apply to said road.

Commissioners to view premises and lay out road.

Location of road.

Surveyor to assist.

Assessment of damages.

Plot and return.

Road to be deemed a public road upon approval of Levy Court.

Oath of commissioners.

SECTION 2. That the commissioners, before entering upon their duties hereby assigned to them, shall be sworn or affirmed to perform the same according to the best of their skill and judgment respectively, which oath or affirmation may be administered by either of the said commissioners. The acts

OF ROADS.

of a majority of the said commissioners shall be as valid as Acts of majority valid. if concurred in by all of them. In case of a vacancy or Vacancies; how filled. vacancies occurring, another or others may be appointed by any justice of the peace of Kent county, upon application, in writing, from any three freeholders in Mispillion hundred.

SECTION 3. That the fees of the commissioners, surveyor, Fees; how paid. and such other persons as may be employed in laying out the said road shall be the same as now provided by law for such services in laying out public roads and shall be paid in like manner.

SECTION 4. This act shall be deemed and taken to be a public act.

Passed at Dover, April 4, 1893.

CHAPTER 686.

OF ROADS.

AN ACT to open a New Public Road in South Murderkill Hundred, in Kent County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Waitman Hopkins, Benjamin Hurd and Eben Hughes, three judicious and impartial citizens of Kent county, be and they are hereby appointed commissioners to go upon and view the lands and determine whether there is need of a public road in South Murderkill hundred, to begin at the public road at or near the Whiteleysburg schoolhouse and to extend thence in a westerly direction through the lands late of John Ervin, deceased, a distance of about half-a-mile, and merging at the line of the State of Maryland with a road of the State of Maryland. If the commissioners, or a majority of them, shall determine that there is need of a new public road they shall, with the assistance of a surveyor to be selected by them, lay out a new public road of Commissioners to view lands and lay out road. Location of road. Surveyor to assist.

OF ROADS.

Plot. the width of thirty feet, and shall cause a plot thereof to be made, representing the courses and distances thereof through whose land the same shall pass, and they shall assess the damages of every owner of said lands, taking into consideration all the benefit as well as injury which will accrue to the owners, and they shall make a computation of the costs of opening and making said road, the bridges and causeways included, setting down the several items of costs, and shall make return of all their proceedings to the Clerk of the Peace in and for Kent county, which report shall be by him filed in his office as a record of a public road in Kent county. The report shall be under the hands of said commissioners, or a majority of them.

Assessment of damages.

Return to Clerk of the Peace.

Majority may report.

SECTION 2. That the Clerk of the Peace, at the next regular or adjourned session of the Levy Court of Kent county, after the return has been made to him and by him filed in his office, shall lay the same before the levy court. The levy court may make appropriations for the same as a public road; and when the draught and return shall have been approved by the levy court and the road opened by their direction the said new road shall in all respects be a public road in Kent county.

Clerk of the Peace shall lay the return before Levy Court.

Approval by Levy Court.

SECTION 3. That the commissioners be sworn or affirmed before entering upon their duties assigned them to perform the same faithfully and impartially.

Oath of commissioners.

SECTION 4. That the pay of the commissioners, surveyor, and chain-carriers, shall be such as the levy court may deem proper.

Comperkation of commissioners and surveyor.

Passed at Dover, April 4, 1893.

OF ROADS.

CHAPTER 687.

OF ROADS.

AN ACT to authorize the Laying Out of a new Public Road in South Murderkill Hundred, Kent County, Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That W. E. Davis, J. T. Postles and A. D. Marvel be and the same are hereby appointed commissioners to go upon and view the premises and determine whether there is use of a public road from the road leading from Frederica to Emerson's Mill, through lands of the heirs of T. J. Lewis and Daniel Scanlon, dividing lands of Mrs. Barnett and George W. Anderson, to road leading from Barnett's Chapel to Lynch's Mill, and if they, or a majority of them, shall determine there is use or need of a road, they shall, with the assistance of some skillful surveyor, to be by them selected, lay out such new public road as they may deem proper, having respect to the nature of the ground, shortness of distance, and all circumstances of public convenience, and shall cause a plot thereof to be made, representing the courses and distances thereof, with enough of the adjacent country to illustrate the need or advantages of said road, and they shall assess the damages that may be sustained by any owner or owners of land through which the said road shall pass, taking into consideration the circumstances of benefit as well as injury which will accrue to each of said owners; and they shall make a computation of the costs of opening and making said road, and if a road shall be laid out, shall in their return to be made to the Clerk of the Peace in and for Kent county, set forth a description of said road, their determination that there is need of the same for public convenience, and an estimate of the total cost thereof, setting down the several items of said costs, and shall annex to their said return the plot as aforesaid.

Commissioners to lay out road.

Location of road.

Assistance of surveyor.

Plot.

Assessment of damages.

Report to Clerk of the Peace.

Contents of.

SECTION 2. That the plot and return, so to be made as aforesaid by the said commissioners, shall be returned to the Clerk of the Peace in and for Kent county, to be by him laid before the levy court of the said county, and if the levy

Clerk of the Peace shall lay return before Levy Court.

OF ROADS.

Plot. the width of thirty feet, and shall cause a plot thereof to be made, representing the courses and distances thereof through whose land the same shall pass, and they shall assess the damages of every owner of said lands, taking into consideration all the benefit as well as injury which will accrue to the owners, and they shall make a computation of the costs of opening and making said road, the bridges and causeways included, setting down the several items of costs, and shall make return of all their proceedings to the Clerk of the Peace in and for Kent county, which report shall be by him filed in his office as a record of a public road in Kent county.

Assessment of damages.

Return to Clerk of the Peace.

Majority may report. The report shall be under the hands of said commissioners, or a majority of them.

SECTION 2. That the Clerk of the Peace, at the next regular or adjourned session of the Levy Court of Kent county, after the return has been made to him and by him filed in his office, shall lay the same before the levy court. The levy court may make appropriations for the same as a public road; and when the draught and return shall have been approved by the levy court and the road opened by their direction the said new road shall in all respects be a public road in Kent county.

Clerk of the Peace shall lay the return before Levy Court.

Approval by Levy Court.

SECTION 3. That the commissioners be sworn or affirmed before entering upon their duties assigned them to perform the same faithfully and impartially.

Oath of commissioners.

SECTION 4. That the pay of the commissioners, surveyor, and chain-carriers, shall be such as the levy court may deem proper.

Compensation of commissioners and surveyor.

Passed at Dover, April 4, 1893.

OF ROADS.

CHAPTER 687.

OF ROADS.

AN ACT to authorize the Laying Out of a new Public Road in South Murderkill Hundred, Kent County, Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That W. E. Davis, J. T. Postles and A. D. Marvel be and the same are hereby appointed commissioners to go upon and view the premises and determine whether there is use of a public road from the road leading from Frederica to Emerson's Mill, through lands of the heirs of T. J. Lewis and Daniel Scanlon, dividing lands of Mrs. Barnett and George W. Anderson, to road leading from Barnett's Chapel to Lynch's Mill, and if they, or a majority of them, shall determine there is use or need of a road, they shall, with the assistance of some skillful surveyor, to be by them selected, lay out such new public road as they may deem proper, having respect to the nature of the ground, shortness of distance, and all circumstances of public convenience, and shall cause a plot thereof to be made, representing the courses and distances thereof, with enough of the adjacent country to illustrate the need or advantages of said road, and they shall assess the damages that may be sustained by any owner or owners of land through which the said road shall pass, taking into consideration the circumstances of benefit as well as injury which will accrue to each of said owners; and they shall make a computation of the costs of opening and making said road, and if a road shall be laid out, shall in their return to be made to the Clerk of the Peace in and for Kent county, set forth a description of said road, their determination that there is need of the same for public convenience, and an estimate of the total cost thereof, setting down the several items of said costs, and shall annex to their said return the plot as aforesaid.

SECTION 2. That the plot and return, so to be made as aforesaid by the said commissioners, shall be returned to the Clerk of the Peace in and for Kent county, to be by him laid before the levy court of the said county, and if the levy

Commissioners to lay out road.

Location of road.

Assistance of surveyor.

Plot.

Assessment of damages.

Report to Clerk of the Peace.

Contents of.

Clerk of the Peace shall lay return before Levy Court.

OF ROADS.

Approval
and allow-
ance.

court shall approve the said road, so laid out as aforesaid, they may make such allowances as may be necessary to make and open the said road.

Oath of
commis-
sioners and
surveyor.

SECTION 3. The said commissioners and surveyor, before performing their respective duties under this act, shall be severally sworn or affirmed to perform the same according to the best of their judgment and skill. Either of the said commissioners may administer the oath or affirmation to the other commissioner and to the surveyor, and any act or determination of a majority shall be as valid as if all had concurred. In case of a vacancy or vacancies in the number of commissioners hereinbefore named, from any cause, another or other commissioners may be appointed by any judge of the Superior Court of this State. The fees of commissioners, surveyor, and others employed in the laying out and construction of the said road shall be the same as are by law provided for similar services, and shall be paid by the Levy Court of Kent county.

Acts of a
majority
valid.

Vacancies;
how filled.

Fees, by
whom paid.

SECTION 4. This act shall be deemed and taken to be a public act.

Passed at Dover, April 4, 1893.

CHAPTER 688.

OF ROADS.

AN ACT to change the course of a Public Road in Mispillion Hundred, Kent County, Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Commis-
sioners to
lay out road
and assess
damages.

SECTION 1. That William C. Quillen, Alexander Harrington and Louder L. Sapp be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a change of the course of a public road, known as the "Samuel A. Tharp

OF ROADS.

Road," as it now runs to the following course, that is to say : Location of proposed road.
 to begin at a point in the public road leading from Harrington to Vernon, on lands of Mrs. Elizabeth Fleming, at a stake by a red oak stump near a bridge on the south side of the said public road, being westward of Mrs. E. Fleming's dryhouse, and to run from thence a straight line a south and southwesterly course across lands of Mrs. Elizabeth Fleming, lands of Eben McNatt, lands of William Shaw, lands of Beniah Tharp, lands of the heirs of William H. Powell, deceased, lands of Joseph J. Handy, and lands of the heirs of Nathaniel C. Powell, deceased, to intersect the public road known as "Hammondtown Road," leading from Pretymann's Corner to Vernon, where the said "Samuel A. Tharp Road" intersects the said "Hammondtown Road" at an angle, the last named road on lands of said N. C. Powell's heirs, and if they, or a majority of them, shall determine that there is need of such a change in the course of the said road they shall, with the assistance of a skillful surveyor to Surveyor.
 be by them selected, lay out such new road as they may deem proper, having respect to the nature of the ground, the shortness of the distance, and all circumstances of public convenience, and shall cause a plot thereof to be made representing Plot.
 the courses and distances thereof, and they shall assess the Assessment of damages.
 damages which may be sustained by any owner or owners of land through which the said road shall pass, taking into consideration the circumstances of benefit as well as injury which will accrue to each of said owners by reason of changing the course and laying out said road, and they shall make a computation of costs of opening and making said road; and if a road be laid out, they shall, in their return to be made to the Clerk of the Peace in and for Kent county, set forth a description of said road, their determination that there is need of the change of course as aforesaid for public travel and convenience, and an estimate of the cost thereof, setting down the several items of said costs, and shall annex to their said return the plot as aforesaid. Return to be made to Clerk of the Peace.

SECTION 2. That the plot and return so to be made as Return to be laid before Levy Court.
 aforesaid by the commissioners shall be returned to the Clerk of the Peace in and for Kent county, to be by him laid before the levy court of said county, and if the levy court shall approve the said road so laid out as aforesaid they shall make such allowances as may be necessary to make and open the same; and when said road shall have been adopted as a

OF ROADS.

Road sub-
ject to gen-
eral road
laws when
approved by
Levy Court.

public road by said levy court the same shall remain subject to the same regulations and laws as other public roads in said county.

Oath of
commis-
sioners and
surveyor.

SECTION 3. That the said commissioners and surveyor, before performing their respective duties under this act, shall be severally sworn or affirmed to perform the same according to the best of their skill and judgment; either of said commissioners may administer the oath or affirmation to the other commissioners and to the surveyor, and any act or determination of a majority shall be as valid as if all had concurred. In case of a vacancy or vacancies in the number of commissioners hereinbefore appointed, from any cause, another or other commissioners may be appointed by any justice of the peace of the said county upon application of three freeholders of the said hundred.

Vacancies;
how filled.

Fees of offi-
cers; how
paid.

The fees of commissioners, surveyor, and other persons employed in carrying into execution the provisions of this act shall be the same as are by law provided for similar services in laying out of public roads, and shall be paid by the Levy Court of Kent county.

SECTION 4. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 12, 1893.

CHAPTER 689.

OF ROADS

AN ACT for the Removal of Snow from the Public Roads.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Duty of road
overseers in
Kent county
to remove
snow from
public
highways.

SECTION 1. That from and after the passage of this act it shall be the duty of all overseers of the public roads in Kent county, whenever there is such an accumulation of snow in lanes and in other places of the public highway as to conflict seriously with travel upon the same, to go thereon

OF ROADS.

and remove or cause to be removed said obstructions in such a manner that travel upon the public highway may be performed without great danger or difficulty.

SECTION 2. *And be it further enacted*, That it shall be the duty of the Levy Court commissioners of each hundred to make a fair and just allowance to the aforesaid overseers for all expenditures thus incurred, such expenditures being consistent with economy, the same as for other labor done and performed on the public roads.

Duty of Levy Court to make an allowance to overseers for removal of snow.

SECTION 3. The provisions of this act shall not be applied to the unnecessary removal of snow from the public highway.

Act not to apply to unnecessary removals.

SECTION 4. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 17, 1893.

CHAPTER 690.

OF ROADS.

AN ACT to lay out a New Public Road in Cedar Creek Hundred, Sussex County, Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That David H. Reed, the son of Elias Reed, Joseph L. Welch, and Robert Warren, three judicious and impartial citizens of Sussex county, be and they are hereby appointed commissioners to go upon and view the lands and determine whether there is need of a public road in Cedar Creek hundred aforesaid, beginning in the public road leading from Ellendale and at or near a curve in the said road, about one mile west of the town of Ellendale, and on lands late of John Clendaniel, now of C. F. Richards; then for the said new road to run nearly a westerly course on lands of the said C. F. Richards, lands of Benjamin F. Williams, lands

Commissioners appointed to view lands and lay out road.

Location of proposed road.

OF ROADS.

of George F. Webb, lands of James Purnell Webb, and Marshall Webb, until the said new road intersects a public road leading southward from Samuel Deputy's premises by way of Avery Clendaniel's lands, and others, towards Georgetown, Delaware; and if they, or a majority of them, shall deem that there is need of a new public road as above located they shall, with the assistance of a surveyor to be selected by them, lay out a new public road of the width of thirty (30) feet, and shall cause a plot thereof to be made representing the courses and distances thereof, through whose land the same may pass, and they shall assess the damages of every owner of said lands, taking into consideration all the benefits as well as injury which will accrue to each of the owners; and they shall make a computation of the costs of opening and making said road, the bridges and causeways included, setting down the several items of costs, and shall make return of all their proceedings to the Clerk of the Peace in and for Sussex county which shall be by him filed in his office as a record of a public road in Sussex county. The report shall be under the hands of said commissioners, or a majority of them.

Assistance
of surveyor.

Assessment
of damages.

Return to
Clerk of the
Peace.

Return to be
laid before
Levy Court.

Approval by
Levy Court.

Commis-
sioners to be
sworn.

Vacancies;
how filled.

Compensa-
tion of com-
missioners
and sur-
veyor.

SECTION 2. It shall be the duty of the Clerk of the Peace at the next regular or adjourned session of the Levy Court of Sussex county, after the return has been made to him, and by him filed in his office, to lay the same before the levy court aforesaid, and when said return and plot are approved by the said levy court an appropriation may be made for opening the same as a public road, and when opened shall in all respects be a public road in Sussex county.

SECTION 3. That the commissioners shall be sworn or affirmed to do their duty with fidelity. Any commissioner neglecting or refusing to serve, or dying before the duties required of him under this act shall be fully completed, the associate judge residing in Sussex county may appoint some person or persons to fill the vacancy or vacancies upon the application of three citizens of Sussex county by petition preferred to said judge.

SECTION 4. That the commissioners shall be allowed one dollar per day for each day's actual service in the performance of their duties. The surveyor shall be allowed such compensation as the levy court may determine. The fees of commissioners, surveyor and other persons employed shall be paid by the said levy court.

Passed at Dover, March 31, 1893.

OF ROADS.

CHAPTER 69I.

OF ROADS.

AN ACT to lay out a New Public Road in Indian River Hundred,
Sussex County.

*Be it enacted by the Senate and House of Representatives
of the State of Delaware in General Assembly met :*

SECTION I. That William C. Burton, Derrick Morris and Joseph Lingo, three judicious and impartial citizens of Indian River hundred, Sussex county, and State of Delaware, be and are hereby appointed to go upon and view the premisses and determine whether there is need of a new public road in said hundred, beginning at the public road leading from St. George's Chapel to Long Neck, starting with and upon an old road running a southwesterly course to lands of William C. Burton, thence down said old road and through lands of John H. Prettyman and Lydia E. Brereton, and down said old road on the line between William H. Prettyman and Lydia E. Brereton, thence down said old road and with the lines of William H. Lingo and William T. Hurdle, thence through William T. Hurdle's land, in the line of Maria Joseph, thence down said old road on the lines of Robert T. Lawson and James Johnson's heirs, thence down the said old road and through the lands of Benjamin Waples' heirs and Benton Street, thence on a line between Thomas A. Joseph and Charles Harmon, thence through land of Edward Thoroughgood out into the public road leading to Millsboro; and if they or a majority of them shall determine that there is need of such a road, they shall, with the assistance of some skillful surveyor to be by them selected, lay out such public road as they may deem proper, and they shall cause a plot thereof and of the lands by and through which the same shall pass, and they shall assess the damage of any owner of said lands and improvements by reason of laying out said road, taking into consideration all circumstances of benefit as well as of injury which will accrue to each of said owners. They shall make a computation of costs of making and opening such road, and bridges and causeways thereon, setting down the several items of cost, and, if a road shall be laid out, shall in the return to be made to the Clerk of the Peace of Sussex county set forth a description of said road,

Commis-
sioners ap-
pointed to
view lands
and lay out
road.

Location of
proposed
road.

Surveyor to
be employed

Plot.

Assessment
of damages.

Return to
Clerk of the
Peace.

OF ROADS.

and their determination that there is need of the same for public convenience, and shall annex to said return the plot of the same.

Plot and
return to be
laid before
Levy Court.

SECTION 2. The plot and return, so to be made as aforesaid by the commissioners, shall be returned to the Clerk of the Peace in and for Sussex county, to be by him laid before the levy court of said county, and the levy court may adopt said road or highway, and settle such damages as may have been assessed, and when said road shall have been adopted as a public road by the said levy court the same shall remain subject to the same regulations and laws as other public roads in said county.

Road sub-
ject to road
laws when
adopted by
Levy Court.

Commis-
sioners and
surveyor to
be sworn.

SECTION 3. That the said commissioners and surveyor, before performing their respective duties under this act, shall be sworn or affirmed to perform the same according to their best skill and judgment respectively; such oath may be administered by either of said commissioners. The acts of a majority of the said commissioners shall be as valid as if concurred in by all of them. In case of a vacancy or vacancies another or others may be appointed commissioner or commissioners by any justice of the peace residing in said county, upon application of three freeholders living within the said hundred. The fees of the commissioners, and surveyor, and other persons employed in laying out and opening the said road, shall be the same as are generally paid in such cases.

Acts of ma-
jority valid.

Vacancies;
how filled.

Fees of
surveyor
and com-
missioners.

Passed at Dover, April 4, 1893.

OF ROADS.

CHAPTER 692.

OF ROADS.

AN ACT for the adoption by Sussex County of a Road in Nanticoke City, Seaford Hundred.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Joseph James, John Darbee and Thomas Scott be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a public road in the village known as Nanticoke City, Seaford hundred, Sussex county, Delaware, to commence, take the same course, be of the same length and end at the place where there is now a private road, beginning at the corner of the property of A. Greenabaum and extending to the corner of the store of John E. Willey, a distance of one hundred and forty yards, more or less, and connecting two public streets or roads, and if they, or a majority of them, shall determine that there is need of such a road they shall, with the assistance of a skillful surveyor to be by them elected, lay out such new road as they may deem proper, having respect to the nature of the ground, the shortness of the distance, and all circumstances of public convenience, and shall cause a plot thereof to be made, representing the courses and distances thereof, and they shall assess the damages which may be sustained by any owner or owners of land through which the said road shall pass, taking into consideration the circumstances of benefit as well as injury which will accrue to each of said owners by reason of laying out said road, and they shall make a computation of the cost of opening and making said road a public road, and if a road be laid out shall, in their return to be made to the Clerk of the Peace in and for Sussex county, set forth a description of said road, their determination that there is need of the same for public travel and convenience, and an estimate of the cost thereof, setting down the several items of said cost, and shall annex to their said return the plot as aforesaid.

Commissioners to view lands and lay out road.

Location of proposed road.

Surveyor to assist.

Assessment of damages.

Return to Clerk of the Peace.

SECTION 2. That the plot and return, so to be made as aforesaid by the said commissioners, shall be returned to the Clerk of the Peace in and for Sussex county, to be by him

Plot and return to be laid before Levy Court.

OF ROADS.

Adoption of
road by
Levy Court.

laid before the levy court of the said county, and if the levy court shall approve the said road so laid out as aforesaid, they shall make such allowances as may be necessary to make and open the same, and when said road shall have been adopted as a public road by the said levy court, the same shall remain subject to the same regulations and laws as other public roads in said county.

Commis-
sioners and
surveyor to
be sworn.

SECTION 3. That the said commissioners and surveyor, before performing their respective duties under this act, shall be severally sworn or affirmed to perform the same according to the best of their skill and judgment; either of said commissioners may administer the oath or affirmation to the other commissioners and to the surveyor, and any act or determination of a majority shall be as valid as if all had concurred.

Acts of ma-
jority valid.

Vacancies:
how filled.

In case of a vacancy or vacancies in the number of commissioners hereinbefore named, from any cause, another or other commissioners may be appointed by any justice of the peace of said county upon application by three freeholders of the said hundred. The fees of the commissioners, surveyor, and other persons, employed in laying or opening the said road shall be the same as are provided by law for similar services in laying out public roads, and shall be paid by the Levy Court of Sussex county.

Fees of
commis-
sioners and
surveyor.

SECTION 4. This act shall be deemed and taken to be a public act.

Passed at Dover, April 12, 1893.

OF ROADS.

CHAPTER 693.

OF ROADS.

AN ACT authorizing the Laying Out of a New Public Road in Dagsboro and Nanticoke Hundreds, Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That William W. Rawlins, Alfred B. Robinson and John T. Wagamon, be and they are hereby appointed commissioners to go upon and view the premises and determine whether there is need of a public road in Dagsboro and Nanticoke hundreds, Sussex county, to begin on the public road leading from the schoolhouse in School District No. 122, Sussex county, to Georgetown, within two hundred yards south of the residence of Daniel Short, in Dagsboro hundred; thence in a westerly direction across the lands of said Daniel Short to lands of Minos T. Conoway; thence, continuing in the same direction, across the lands of the said Minos T. Conoway to lands of Robert H. Fooks; thence, continuing in the same direction, across the lands of the said Robert H. Fooks to or near the division line between the lands of the said Robert H. Fooks and Thomas H. Fooks; thence on and with or near the said last mentioned division line to lands of John A. Tindal; thence, continuing in the same direction, across the lands of the said John A. Tindal to the public road leading from the residence of the said John A. Tindal to Georgetown, and terminating on said last mentioned public road, between the residences of the said John A. Tindal and Thomas H. Fooks, and if they, or a majority of them, shall determine that there is need of such a road on the route designated, they shall, with the assistance of some skillful surveyor, to be by them chosen, lay out such new public road as they may deem proper, having respect to the nature of the ground and all circumstances of public convenience, and shall cause a plot thereof to be made representing the courses and distances thereof, and they shall assess the damages which may be sustained by any owner or owners of land through which the said road shall pass, taking into consideration the circumstances of benefit as well as of injury which will accrue to each of said owners, and they shall make a computation of the cost of opening and making said road,

Commissioners to view lands and lay out road.

Location of proposed road.

Surveyor to assist.

Plot.
Assessment of damages.

OF ROADS.

and the several items thereof, and shall annex the same to said plot.

Return to
Clerk of the
Peace.

Return to be
laid before
Levy Court.

Levy Court
may adopt.

SECTION 2. That the plot and return to be made by the said commissioners shall be returned to the Clerk of the Peace in and for Sussex county, to be by him laid before the levy court of said county at their next ensuing regular or adjourned meeting, and the said levy court may adopt said road and make such allowance as may be necessary to settle such damages as may have been assessed and to make and open said road, and said road when opened shall be and remain subject to the same regulations and laws as other public roads in said county.

Commis-
sioners and
surveyor to
be sworn.

Vacancies;
how filled.

SECTION 3. That the said commissioners and surveyor, before performing their respective duties under this act, shall be severally sworn or affirmed to perform the same faithfully and impartially according to the best of their judgment and skill; and either of said commissioners may administer the oath or affirmation to the other commissioners and to the surveyor, and any act or determination of a majority shall be as valid as if all had concurred; and in case of a vacancy or vacancies in the commissioners hereinbefore named, from any cause, the resident judge of Sussex county may appoint a commissioner or commissioners to fill such vacancy or vacancies.

Compensa-
tion of offi-
cers and
laborers.

SECTION 4. That the fees of commissioners, surveyor, and chain carrier, shall be the same as are provided by law for similar services in the laying out of public roads and shall be paid by the Levy Court of Sussex county.

SECTION 5. This act shall be deemed and taken to be a public act.

Passed at Dover, April 27, 1893.

TITLE NINTH.

Regulations Concerning Trade.

CHAPTER 694.

OF LEGAL HOLIDAYS.

AN ACT making Saturdays, from June to September, inclusive, Half-Holidays for Banking and Trust Company purposes in New Castle County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That every Saturday, from the first day of June to the thirtieth day of September, inclusive, which under existing laws shall not become a legal holiday in its entirety, shall be a legal holiday in New Castle county, from and after twelve o'clock noon, for all purposes respecting the presentation for payment or acceptance, or the protesting or giving notice of the dishonor of bills of exchange, bank checks, drafts, promissory notes, and all commercial paper whatsoever, whether made before or after the passage of this act; and all such bills of exchange, bank checks, drafts, promissory notes and commercial paper, which otherwise would be due and payable or presentable for acceptance or payment on such half-holiday Saturday in New Castle county, shall therein be due and payable, or presentable for acceptance or payment at or before twelve o'clock noon on such day.

Provided however that for the purpose of protesting, or otherwise holding liable any party to any bill of exchange, check, draft, or promissory note, and which shall not have been paid before twelve o'clock noon of any Saturday designated a half-holiday as aforesaid, a demand of acceptance or payment thereof may be made at any time on said Saturday after twelve o'clock noon, and notice of protest or dishonor

Saturdays
after 12
o'clock M.,
from June 1,
till Sept. 30,
half holidays
for banking
purposes in
New Castle
county.

Proviso.

Time of de-
mand for
acceptance,
etc.

OF LEGAL HOLIDAYS.

thereof may be given at any time on such Saturday, as now provided by law.

SECTION 2. That all acts or parts of acts inconsistent herewith be and the same are hereby repealed.

Passed at Dover, February 22, 1892.

CHAPTER 695.

OF LEGAL HOLIDAYS.

AN ACT declaring Labor Day a Legal Holiday.

Preamble.

WHEREAS the first Monday of September is now universally recognized throughout the United States as a day which ought to be observed as a "holiday" according to the purpose of its institution, so that all may have an opportunity to engage in such services as are appropriate to the day;

AND WHEREAS in most of the States the day has been declared a holiday by law;

AND WHEREAS it is eminently proper that similar legislation should be had in this State; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

First Monday in September legal holiday.

SECTION 1. That the first Monday of September, in each and every year, be and the same is hereby declared to be a legal holiday within this State.

Negotiable paper due on preceding business day

SECTION 2. That from and after the passage of this act, payment of all notes, checks, or other instruments negotiable by the laws of this State, and becoming payable on the said first Monday of September in any year hereafter, shall be deemed to become due and payable on the secular day next preceding that day on which secular day's demand of payment may be made, and in case of non-payment or dishonor of the same, protest may be made and notice given in the same manner, and with like legal effect, as if such note,

OF INSURANCE COMPANIES.

check, bill of exchange, or other instrument, fell due on the day of such demand, and the rights and liabilities of all parties concerned therein shall be the same as in other cases of like instruments legally proceeded with: *Provided* that nothing herein contained shall be so construed as to render void any demand, notice or protest made or given as heretofore at the option of the holder, nor shall the same be so construed as to vary the rights or liabilities of the parties to any such instruments heretofore executed. Proviso.

Passed at Dover, February 14, 1893.

CHAPTER 696.

OF INSURANCE COMPANIES.

AN ACT to amend an act entitled "An act to define the Liability of Fire Insurance Companies in certain cases," Chapter 695, Volume 18, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Section 1 of Chapter 695, Volume 18, of the Laws of Delaware, be and the same is hereby amended by inserting between the word "damages" and the word "and," in the eighth line thereof, the words "subject to the proviso herein"; and that the said section be and the same is hereby further amended by inserting between the word "value," in the twelfth line, and the word "and" in the thirteenth line thereof, the following: "*Provided however* that nothing herein contained shall, in case of loss, prevent the company insuring from adjusting the loss by replacing the property destroyed." Chap. 695,
Volume 18,
Section 1,
amended.

Company
may adjust
loss by re-
placing
property.

Passed at Dover, March 29, 1893.

OF MEASUREMENT OF MASON WORK.

CHAPTER 697.

OF MEASUREMENT OF MASON WORK.

AN ACT to provide Uniform Rules for the Measurement of Masonwork.

Preamble.

WHEREAS great confusion has occurred in the past by reason of the different methods of measuring mason work, and because of the lack of some uniform system frequent contentions and disputes have arisen, which a settled and uniform standard would have prevented;

AND WHEREAS said uniform standard has worked satisfactorily and beneficially wherever adopted and enforced, and it is the purpose of the legislature to provide such a uniform system for this State; now therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Rules for
measure-
ment of
mason work.

SECTION I. That hereafter the following shall be the rules for the measurement of masonwork in this State:

The units of measurement shall be as follows:

Excavation.

1. For excavation, the cubic yard.

Foundation.

For concrete foundation, the cubic yard.

Floors.

For concrete floors, the superficial foot.

Footings.

For dimension stone footings, the superficial foot.

Bridges.

For dimension stone bridge masonry, the cubic foot.

Surface
dressing.

For dimension stone surface dressing, the superficial foot, extra price.

Rubble
work.

For rubble work, the perch of twenty-four and three-quarters cubic foot.

Rubble
work surface
dressing.

For rubble work surface dressing, the superficial foot, extra price.

Brick.

For brick work, the thousand brick.

Plastering
plain.

For plastering plain surfaces, the superficial yard.

Cornices.

For plastering cornices, the running and superficial foot.

Perch of
stone; con-
tents.

2. A perch of stone shall contain, when measured in the wall, twenty-four and three-quarters cubic feet; when measured in square piles on the ground, twenty-seven cubic feet.

When measured in boats, thirty cubic feet.

When measured in cars, thirty-one and one-half cubic feet.

All stone to be measured in the wall when practicable.

OF MEASUREMENT OF MASON WORK.

Any mason work contracted for, in which the contractor agrees to furnish both materials and labor at a stated sum per perch, shall be measured and computed according to the following rules governing the measurement of mason work, i. e., mason measure shall be the basis of settlement.

Rules governing settlement for contracts in mason work.

3. Excavation:

Excavation.

All excavation to be measured and computed by the actual amount of material displaced. No allowance for rehandling. Walls to be measured by the lineal foot in depth.

4. Concrete:

Concrete.

Foundation, measure actual contents. Floor, measure actual surface laid, except that no deduction be made for open tile drains.

5. Dimension stone:

Stone.

Footings to be measured each course separately. No deductions for drain or other openings under walls two feet, or less, in width.

Bridge masonry, compute actual cubic contents.

Surface dressing of all kinds extra.

6. Rubble work:

Rubble work.

Footings to be measured by actual cubic contents.

Note. Footings are all such foundation courses not exceeding sixteen inches in height as are wider than the body of wall above.

7. Walls:

Walls.

Compute actual contents and for each angle or corner of ninety degrees in a vertical wall, add two cubic feet for each foot in height of the wall, if the wall is battered add two and one half cubic feet for each foot in height.

For each angle of more or less than ninety degrees in any wall, add two feet in length of wall.

8. Partition walls:

Partition walls.

Intersections of walls, measure actual contents of the walls and add one cubic foot for each foot in height for each angle made by the faces of the intersecting walls.

9. Circular walls:

Circular walls.

For round walls, for length of walls, take one and one-fourth times the girt measure.

10. Pilasters and projections:

Pilasters and projections.

All projections, such as chimney breasts, piers connected with walls and pilasters, to be measured actual cubic con-

OF MEASUREMENT OF MASON WORK.

tents and add thereto one cubic foot for each intersection of the sides of such projection with the wall, and two cubic feet for each outer corner for each foot in height. If such projections are battered on the outer face, add two and one-half cubic feet instead of two cubic feet for each outer corner for each foot in height.

Piers. 11. Piers:

Square or polygon piers, to be measured actual cubic contents; if vertical, two cubic feet to be added for each corner for each foot in height. If battered, add instead two and one-half cubic feet for each corner for each foot in height.

Round piers 12. Round Piers, add three feet to the measured diameter of the pier, and compute the contents, with this sum used as the diameter, the height to be taken as measured.

Stepped piers. 13. Stepped piers or piers with vertical offsets.

Stepped piers or piers diminishing from the bottom by offsets shall be computed by the above rule No. 10. And also add the sum of the areas of the level surface of the several steps (excepting the top of the pier) multiply by one foot in height.

Proviso. *Provided however* that all such parts of independent piers as are six inches or more below the surface of the ground are to be computed actual contents, and one cubic foot added for each foot in height or depth.

Recesses and slots. 14. Recesses and slots:

All recesses and slots to be measured solid, and in addition thereto allow one cubic foot for each foot in height.

Arches. 15. Arches:

Stone arches are classed as cut stone work.

Openings. 16. Openings:

Deduct contents of windows, doors and other openings, measuring from top of sill to spring of arch, and add three cubic feet for each jamb for every foot in height of opening. No deduction to be made for cut stone trimmings and lintels.

Jambs. 17. Jambs:

For any jamb, caused by differences in heights in parts of the same wall, or in adjacent walls, except in junctions of partition walls, add two cubic feet for each foot in height.

Change in cellar walls. 18. Change in height of walls after having been leveled:

Compute the additional amount of masonry and add thereto one foot in height of wall.

OF MEASUREMENT OF MASON WORK.

19. Gables:

Gables.

Gables to be computed one and one-half times the actual contents.

20. Beam filling:

Beam filling

For beam filling, on level walls, add one foot in height of wall; on gable add one foot in height of wall by the extreme width of gable at its base.

21. Minimum height and thickness of wall:

Minimum
heights and
thickness of
wall.

No wall to be computed at less than eighteen inches in thickness, nor one foot in height.

22. Brickwork:

Brickwork.

Compute the actual number of bricks laid.

When in the wall and practicable, the number of bricks to be estimated by actual count; when not practicable to so count them the following rule to be taken as a basis for estimating the number, viz:

Every superficial foot of "one-half brick (four and one-half inches) wall" to be estimated at six and one-half bricks; of one brick (nine inches) wall at thirteen bricks, etc. Increase the number of bricks by six and one-half bricks for every additional half brick in thickness of wall.

23. Measurement of party walls:

Party walls.

Party walls to be measured according to the above rules, and joist holes to be charged at the rate of fifteen cents each.

24. Plastering and lathing:

Plastering.

To be measured by the superficial yard from floor to ceiling for walls, and from wall to wall of ceiling.

25. Corners, beads, etc.:

Corners,
beads, etc.

All corners, angles, beads, quinks, rule joints and mouldings to be measured by the lineal foot on their longest extension.

Add one foot for each stop or mitre.

26. Cornices:

Cornices.

Length of cornices to be measured on walls. Plain cornices, of two feet girt, or less, to be measured on walls by the lineal foot.

Plain cornices exceeding two feet girt to be measured by the superficial foot.

Add one lineal foot by girt for each stop of mitre.

Enriched cornices (cast work) by the lineal foot for each enrichment.

OF HAWKERS AND PEDDLERS.

Arches, etc. 27. Arches, corbels, etc.:

Arches, corbels, brackets, rings, centre pieces, pilasters, capitals, vases, resettes, basses, pendants and niches, by the piece.

Openings in plastering. 28. Openings:

Openings in plastering to be measured between grounds. No deduction to be made for opening of nine feet or less.

For openings of more than nine feet square, deduct contents of openings.

Passed at Dover, April 17, 1893.

CHAPTER 698.

OF HAWKERS AND PEDDLERS.

AN ACT to amend Chapter 617, Volume 18, of the Laws of Delaware, relating to Hawkers and Peddlers.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Chapter 617, Volume 18, Section 1, amended. SECTION 1. Amend Section 1 of Chapter 617, Volume 18, Laws of Delaware, by inserting between the words "dollars" and "for" in line thirty-two thereof, the following:

Hawkers and peddlers to procure license. "Hawkers and peddlers of fruit, vegetables and all farm produce, who travel, with a carriage, cart or other vehicle drawn by one horse, shall pay for a license therefor twenty-five dollars; when drawn by two horses, thirty-five dollars, and for each additional horse, ten dollars. Hawkerc and peddlers of fruit, vegetables and farm produce, as aforesaid, shall be exempt from giving bond, as required by this section in the case of other licenses."

Exempt from giving bond.

Passed at Dover, April 17, 1893.

OF LABELS, TRADE MARKS, ETC.

CHAPTER 699.

OF LABELS, TRADE MARKS, &c.

AN ACT to protect Associations and Unions of Workingmen and Persons in their Labels, Trade Marks and Forms of Advertising.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. Whenever any person, association or union of workingmen have adopted, or shall hereafter adopt for their protection, any label, trade mark, or form of advertisement announcing that goods to which such label, trade mark, or form of advertisement shall be attached were manufactured by such person, or by a member or members of such association or union, it shall be unlawful for any person or corporation to counterfeit or imitate such label, trade mark, or form of advertisement. Every person violating this section shall, upon conviction, be punished by imprisonment in the county jail for not less than three months nor more than one year, or by a fine of not less than fifty nor more than one hundred dollars (\$100) or both.

Label, trade mark or form of advertisement.
Unlawful to counterfeit.
Penalty.

SECTION 2. Every person who shall use any counterfeit or imitation of any label, trade mark, or form of advertisement of any such person, union or association, knowing the same to be counterfeit or imitation, shall be guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for not less than three months nor more than one year, or by a fine of not less than fifty nor more (than) one hundred dollars (\$100) or both.

Using of counterfeit of label, etc.
Misdemeanor.
Penalty.

SECTION 3. Every person, association or union, that has heretofore adopted, or shall hereafter adopt, a label, trade mark or form of advertisement as aforesaid, may file the same in the office of the Secretary of State, by leaving two copies, counterparts or fac-similes thereof with the Secretary of State; said Secretary shall deliver to such person, association or union so filing the same a duly attested certificate, for which he shall receive one dollar. Such certificate of filing shall in all suits and prosecutions under this act be sufficient proof of the adoption of such label, trade mark or form of advertisement, and of the right of such person,

Label, trade mark, etc. may be filed with Secretary of State by owner.
Certificate of filing.
Certificate to be evidence.

OF LABELS, TRADE MARKS, ETC.

association or union to adopt the same. No label shall be received and filed by the Secretary of State that probably would [be] mistaken for a label already filed.

SECTION 4. Every such person, association or union adopting a label, trade mark or form of advertisement, as aforesaid, may proceed by suit to enjoin the manufacture, use, display or sale of any such counterfeits or imitations, and all courts having jurisdiction thereof shall grant injunctions to restrain such manufacture, use, display, or sale, and shall award the complainant in such suit such damages, resulting from such wrongful manufacture, use, display or sale as may by said court be deemed just and reasonable, and shall require the defendants to pay to such person, association or union the profits derived from such wrongful manufacture, use, display or sale; and said court shall also order that all such counterfeits or imitations in the possession, or under the control, of any defendant in such case be delivered to an officer of the court, or to the complainant, to be destroyed.

Person adopting label, etc., may obtain injunction against counterfeiter, etc.

Damages.

Counterfeits etc., to be delivered to court or complainant.

SECTION 5. Every person who shall use or display the genuine label, trade mark, or form of advertisement of any such person, association, or union in any manner not authorized by such person, union, or association, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not less than three months nor more than one year, or by a fine of not less than fifty nor more than one hundred dollars, or both. In all cases where such association or union is not incorporated, suits under this act may be commenced and prosecuted by any member or officer of such association or union on behalf of and for the use of such association or union.

Unlawful use of genuine label, etc., a misdemeanor.

Penalty.

Who may prosecute

SECTION 6. Any person or persons who shall in any way use the name or seal of any such person, association, or union, or officer thereof, in and about the sale of goods, or otherwise, not being authorized to so use the same, shall be guilty of a misdemeanor, punishable by imprisonment in the county jail of not less than three months nor more than one year, or by a fine of not less than fifty nor more than one hundred dollars, or both.

Any unlawful use of label, etc.

Misdemeanor.

Penalty.

SECTION 7. The fines provided for in this act may be enforced before a justice of the peace in all cases where the party complainant shall so elect, and in case of conviction

Fines to be enforced before Justice of the Peace.

OF EXPRESS COMPANIES.

before such justice of the peace the offender shall stand committed to the county jail until the fine and costs are fully paid.

SECTION 8. This shall be deemed and taken to be a public act.

Passed at Dover, March 29, 1893.

CHAPTER 700.

OF EXPRESS COMPANIES.

AN ACT in relation to Express Companies doing business in this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That it shall be unlawful for any express company, firm, corporation, or individual, carrying on an express business in this State, or for any agent, officer or employé of such express company, firm, corporation, or individual, to charge or receive for the transportation, or for the transportation and delivery of any bundle or package containing anything of value, a greater compensation for such service than the same company, firm, corporation or individual, charges and receives for like service in the State of Pennsylvania and Maryland. Any express company, firm, corporation or individual, or any agent, officer or employé of any such express company, firm, corporation or individual, violating the provisions of this act shall, upon conviction before any justice of the peace, be fined not less than twenty dollars nor more than one hundred dollars for each and every such offense. Unlawful for company or employee to make greater charge than is made for like services in other States. Penalty.

Passed at Dover, May 2, 1893.

TITLE TENTH.

Of Corporations.

CHAPTER 701.

OF CORPORATIONS.

An Act to amend Section 10 of Chapter 147 of the Seventeenth Volume Delaware Laws.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring herein):

Chapter 147,
Volume 17,
Section 10,
amended.

SECTION 1. That Section 10 of Chapter 147 of the Seventeenth Volume, Delaware Laws, be and the same is hereby amended by adding thereto after the word "associations" in the fifth line thereof, "for homestead companies to be operated under the Caldwell system."

Passed at Dover, March 23, 1893.

OF CORPORATIONS.

CHAPTER 702.

OF CORPORATIONS.

A Supplement to the act entitled "An Act concerning Private Corporations," passed at Dover, March 14, 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

SECTION 1. That the certificate of incorporation of building, or building and loan associations to be created under the act entitled "An act concerning private corporations," passed at Dover, March 14th, 1883, shall not be required to state an amount of the capital stock to be paid in before commencing business, and no per centage of said stock shall be required to be paid in before the association shall be organized and commence business.

Building and loan association may organize before any payment of stock.

SECTION 2. That whenever any one of the corporators named in the certificate of incorporation, to be filed under the act of which this a supplement, or any corporator named in any act of incorporation heretofore or hereafter passed in this State, or any commissioner appointed in any such act of incorporation to take subscriptions for capital stock, shall have died before the organization of such corporation, then, and in such case, the powers vested in such corporators or commissioners shall thereafter be vested in the survivor or survivors of such corporator or commissioner.

Corporator dying, powers vested in survivors.

Passed at Dover, April 11, 1893.

OF CORPORATIONS.

CHAPTER 703.

OF CORPORATIONS.

AN ACT in relation to Foreign Corporations Doing Business in this State.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Foreign corporation shall file with Secretary of State copy of charter, names of agents, statement, etc.

SECTION 1. That it shall not be lawful for any corporation created by the laws of any other State, or the laws of the United States, to do any business in this State through or by branch offices, agents or representatives located in this State, until it shall have filed in the office of the Secretary of State of this State a certified copy of its charter and the name or names of its authorized agent or agents in this State, together with a sworn statement of the assets and liabilities of such company or corporation, and paid the Secretary of State, for the use of the State, fifty dollars (\$50); and the certificate of the Secretary of State under his seal of office, of the filing of such charter, shall be delivered to such agent or agents upon the payment to said Secretary of State of the usual fees for making certified copies, shall be *prima facie* evidence of such company's right to do business in this State.

Secretary of State to certify same to company.

Evidence.

SECTION 2. That any person or persons, agent, officer, or employé of any foreign corporation who shall transact any business within this State for any such foreign corporation without the provisions of this act being first complied with shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not exceeding one thousand dollars, at the discretion of the court; *Provided however* that the provisions of this act shall not apply to fire insurance companies doing business in this State.

Penalty.

Proviso.

Passed at Dover, April 28, 1893.

OF BANKS.

CHAPTER 704.

OF BANKS.

A Further Additional Supplement to the act entitled "An act to establish a Bank and incorporate a Company under the name of the Farmers' Bank of the State of Delaware."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

SECTION 1. Every part of the original charter of said bank, and of the various supplements thereto, now in force, as well all and every the provisions of all and every the acts of the General Assembly of the State of Delaware, as are now in force, whereby any right, power, franchise, privilege or immunity is granted to or vested in the said corporation, be and the same are hereby extended and continued in force for the period of twenty years from and after the thirty-first day of January in the year of our Lord one thousand eight hundred and ninety-five; and the said corporation shall, during the said term, have, hold, enjoy and possess all and every the franchises, powers, rights, privileges and immunities which are now vested in and enjoyed by said corporation by any law of the State of Delaware.

Charter re-enacted and extended for twenty years.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, January 26, 1893.

OF RAILROADS.

CHAPTER 705.

OF RAILROADS.

A Further Additional Supplement to the act entitled "An act to incorporate the Delaware Railroad Company."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein), as follows :

May construct branch road from town of Middletown to Maryland line.

Proviso.

SECTION 1. That, in addition to the powers possessed by it under existing legislation, it shall and may be lawful for "The Delaware Railroad Company," and it is hereby expressly authorized and empowered to locate, construct, maintain and operate a branch railroad of one or more tracks, to commence at a point on its main line of railroad at or near the town of Middletown, and extend thence by such route as its directors shall determine to be the most feasible and desirable to a point on the line dividing the States of Maryland and Delaware, in the direction of the town of Elkton, and for that purpose to purchase, hold and use, or enter upon, take and appropriate all such land and materials as may be necessary: *Provided* that before the said company shall enter upon or take possession of any such land and materials it shall make ample compensation to the owner or owners thereof or parties interested therein, the amount of such compensation to be ascertained either by agreement with the parties or by proceedings for condemnation. For the purpose of condemnation of such land and materials as may be needed by said company for the location and construction of the branch railroad hereby authorized, the said "The Delaware Railroad Company" shall have, exercise, and be possessed of all the rights, powers and remedies which are specified and provided in and by Section 2 of the act passed February 24, 1853, entitled "A supplement to the act entitled 'An act to incorporate the Delaware Railroad Company,' passed February 22, 1849.

This act not to limit powers conferred by other acts

SECTION 2. That nothing in this act contained shall be so construed as in anywise to limit, restrict, or impair any of the rights, powers, franchises and privileges which the said company is possessed of under any act of the General

OF RAILROADS.

Assembly of this State. This act shall be a public act, and the power to revoke the same for any abuse or misuse of the privileges hereby granted is reserved to the Legislature.

Passed at Dover, April 11, 1893.

CHAPTER 706.

OF RAILROADS.

AN ACT relating to the Philadelphia, Wilmington and Baltimore Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the legislature concurring):* That it shall and may be lawful for the directors of the Philadelphia, Wilmington and Baltimore Railroad Company, and they are hereby expressly authorized, whenever in their judgment it shall be advisable so to do, from time to time, to elect additional vice-presidents, either from their own number or from the body of the stockholders, and if from the latter class, the person or persons chosen shall be a member or members *ex-officio* of the board of directors. Any vice-president so chosen shall exercise such powers, perform such duties, and receive such compensation as the board of directors, either by the by-laws or by resolution, may prescribe and direct.

May elect
additional
Vice Presi-
dents.

Passed at Dover, April 6, 1893.

OF RAILROADS.

CHAPTER 707.

OF RAILROADS.

AN ACT to incorporate the Wilmington and New Castle Electric Railway Company.

Com-
mis-
sioners.

Subscription
of stock.

Capital
stock.

May borrow
money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (with the concurrence of two-thirds of each branch thereof):* That Frank E. Herbert, Howard Ogle, James B. Toman, Peter Cooper, Evan G. Boyd, Henry H. Billany and Peter L. Cooper, Jr., be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they, or a majority of them, shall procure and cause to be opened, at such time and places, and on such notice as they may deem proper, suitable books for subscriptions to the capital stock of the Wilmington and New Castle Electric Railway Company; and they shall permit all persons of lawful age to subscribe in said books, in their own names, or in the names of any other person or company who may authorize the same, for any number of shares in the said stock.

SECTION 2. That the capital stock of said company shall be one hundred thousand dollars, to be divided into ten thousand shares of ten dollars each: *Provided* that the said company may, from time to time, by a vote of the stockholders at a meeting called for that purpose, increase the capital stock, if it shall be deemed necessary, to an amount sufficient to carry out the true intent and meaning of this act: *Provided further* that the whole capital stock shall not at any time exceed five hundred thousand dollars: *and provided also*, that the said company, for the purpose of completing and equipping the railway, shall have the power to borrow money, if the board of directors shall so determine, to an amount not exceeding the amount of one hundred and fifty thousand dollars, and to secure the payment of the same by the issue of bonds, or of a bond and mortgage of the said railway, together with the corporate rights and franchises granted by this act, and annex to said bonds or bond and mortgage the privilege of converting the same into capital stock of the said company at par, at the option of the holders with the concurrence and consent of the board of directors,

OF RAILROADS.

if they shall signify their election one year before their maturity.

SECTION 3. That when and as soon as two thousand shares of capital stock in said company shall be subscribed as aforesaid, the subscribers to the said stock, their successors and assigns, shall be, and they are hereby declared to be incorporated by the name and title of the "Wilmington and New Castle Electric Railway Company," and by the said name the subscribers shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of record here and elsewhere, and to purchase, receive, have, hold and enjoy to them and their successors real and personal estate, of every kind whatsoever, and the same to grant, mortgage, sell, alien and dispose of, and to declare dividends of such proportions of the profits of the company as they may deem proper; also to make and have a common seal, and the same to alter and renew at pleasure, and also to make, ordain and establish by-laws and regulations for the government of the said corporation not inconsistent with the constitution or laws of the United States or of this State, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being and ordering of the same.

Corporate name.

Powers.

SECTION 4. That as soon as two thousand shares shall be subscribed as aforesaid the said commissioners, after giving at least ten days notice thereof in two or more newspapers published in this State, shall call a meeting of the said subscribers, in the City of Wilmington, to organize the said company by the choice and appointment of officers, as hereinafter mentioned, and said meeting shall be held at such time as shall be appointed in said notice.

Meeting for organization

Time.

Place.

SECTION 5. That the management and control of said company shall be vested in the officers and directors chosen by said subscribers at their said meeting for organization until the period herein fixed for the regular election of directors of said company, who shall choose from their number a president, a vice-president, a secretary, and a treasurer; and that the stockholders of said company shall meet annually on the first Monday of July, at such place as they shall determine upon, and elect seven directors for said company, all of whom shall be stockholders, who shall elect from their own number as aforesaid a president, a vice-president, a

Officers.

Annual meeting.

Election of officers.

OF RAILROADS.

treasurer, and a secretary for said company. The notice of such election for directors as aforesaid, and the manner of conducting the same, to be provided for in the by-laws of said company, and any vacancy in said board of directors may be supplied by appointment, to be made by the board of directors until the next annual election. All elections shall be by ballot of the stockholders, or their proxies, allowing one vote for each share which shall have been held in his or their name or names at least thirty days before the time of voting. The board of directors for the time being shall have power to take from any treasurer, or secretary, or other officer or agent appointed by them, such security for the faithful performance of their respective duties as they may deem proper.

Location of road.

May transfer cars or passengers to Wilmington City Railway under contract.

Proviso.

SECTION 6. That the Wilmington and New Castle Electric Railway Company shall have power, and they are hereby authorized to locate, maintain, construct, and operate a railway from the City of New Castle to the City of Wilmington, beginning at such point in the City of New Castle and running through such streets in said city as the City Council of said city shall designate, and thence by the public road, or partly by the public road and partly by such other route as may be determined upon by the directors of said company, to the City of Wilmington, and thence through South Wilmington by Lobdell street, New Castle causeway and South Market street to Front and Market streets in the City of Wilmington, from which point, or from any point where the lines of the company shall cross or meet the lines of the Wilmington City Railway Company in South Wilmington, the Wilmington and New Castle Railway Company shall have the privilege, if it so desires, of having its cars or passengers, or both, transferred and carried over the lines and tracks of the Wilmington City Railway Company to Fourth and Market streets in the City of Wilmington, or to any other point in said city the two companies may agree upon, under agreement with the last named company, and paying said company an equitable compensation for the use of its tracks, power and services rendered; and this company shall have power to enter into contract with the said company respecting the use, occupation, maintenance and operation, and furnishing power, equipments and appliances for its lines and properties and the transfer of cars and passengers as shall be mutually satisfactory and agreed upon between them; *and provided further* that in case no such

OF RAILROADS.

agreement can be reached between the said companies respecting the carriage or transfer of passengers and cars, then this company shall have the right to extend its lines from Front and Market streets west on Front street to Shipley street, thence north on Shipley street to Fourth street, which shall be the terminus of said road in the City of Wilmington; *provided further however* that, before the lines of this company shall be extended further than Front and Market streets the arbitrators hereinafter named shall be appointed and shall determine that a just, reasonable and fair agreement, considering the mileage of the two companies and services rendered cannot be entered into because of the unwillingness of the Wilmington City Railway Company to make such agreement, which decision shall be certified under the hands and seals of said arbitrators to the Prothonotary of the Superior Court in and for New Castle county, and filed in his office. The arbitrators hereinbefore referred to shall be three in number, each of said companies to name or choose one, the two so chosen to choose a third, and their determination of any question properly before them shall be final. Their fees and costs shall be paid by the party applying therefor. The said Wilmington and New Castle Electric Railway Company shall have power to cross all county bridges along said route, provided however they shall not interfere with public transit or public traffic, and it is hereby provided that whenever said company shall use the public road between the said cities their tracks shall be constructed along side of the public road in such manner as not to interfere with public travel or obstruct the road. *And it is hereby further provided* that the said company shall be required to pave in the City of Wilmington within the rails of their tracks and for the distance of three feet on each side thereof and keep the same in good repair, and shall not interfere with the proper and free access to the culverts, water and gas pipes in either of the City of New Castle or the City of Wilmington.

Terminus.

Further proviso.

Arbitrators; how chosen.

Fees

May cross county bridges and use roads. How.

To pave between rails in Wilmington.

SECTION 7. That the company shall be and they are hereby authorized to contract for, purchase, and hold all such land as the directors of the said company may deem necessary for the purposes of said railway, and in case such land as may be necessary for the location and use of such railway cannot be obtained by purchase, the company may apply to the Superior Court, or to any judge thereof, residing in New Castle county, in vacation, by petition, first giving the other

May purchase land.

Petition to resident judge.

OF RAILROADS.

party five days notice, in writing, of such application; the said notice to be served personally if the party resides in the State, or, in case of non-residents, to be served upon the tenant residing upon the land proposed to be taken. And the said court or judge shall appoint five judicious and impartial freeholders to view the premises which the said company may require for the use and construction of the said railway, and assess the damages, if any, that the owner or owners thereof will sustain by reason of said railway passing through the same. The said freeholders shall be sworn before some judge, faithfully and impartially to perform the duties imposed upon them. They shall give ten days written notice to the owners of the property, to be served as hereinbefore provided, and to the president of the company of the time of their meeting for the discharge of their duty, which meeting shall be held on the land required for the use of said railway, and they shall make report in writing, under their hands or the hands of a majority of them to the term of the Superior Court of New Castle county next after their appointment, and the said Superior Court may either confirm the said report, or on good and sufficient reasons refer the matter back to the same persons, or appoint five other judicious and impartial freeholders to perform the said duty in the manner aforesaid. When judgment or confirmation is rendered by the said court on any report made as aforesaid, and upon the payment by said company of the amount of damages assessed to the owner or owners of said property, or upon the payment of the same into court for his or their use, whether the said owners, or any of them, be or be not under any of the disabilities of infancy, coverture or incompetency of mind, or be in or out of the State, the title to the land and premises mentioned in the said report shall be absolutely vested in the said company, their successors and assigns. The fees of the commissioners shall be three dollars per day of actual service, and the fees of the prothonotary on any such proceeding shall be determined by the court, all of which fees shall be paid by the company; and it is hereby provided that whenever the said railway shall cross private property it shall erect and keep in repair a lawful fence on both sides of its track.

Freeholders
appointed to
view prem-
ises, etc.

Notice to
parties in
interest.

Place of
meeting.
Report.

Court may
confirm re-
port or refer
back, or ap-
point other
freeholders.

After confir-
mation land
to vest in
company.

Fees of com-
missioners
and others.

Shall erect
fence.

Object.
Motive
power.

SECTION 8. That the said railway shall be used as a passenger railway, and the motive power of said railway shall be by electricity; and that before the said company shall use and occupy the said streets of the City of New Castle or of

OF RAILROADS.

the City of Wilmington they shall obtain the consent of the authorities of each city having supervision over the same; and the said city authorities of either city may, from time to time, establish such regulations in regard to said railway as may be required as to the paving by said company and the repairing, grading, culverting and laying of water and gas pipes in and along said streets and to prevent obstructions thereon.

Obtain consent of authorities of cities before using streets

SECTION 9. That it is hereby provided that the said Wilmington and New Castle Electric Railway Company shall, in constructing their railway along the streets of the City of Wilmington or the City of New Castle, conform to the established grades and be subject to any regulations legally adopted by the properly constituted authorities of either city relating thereto; *and provided also* that the said company shall not materially affect or damage the present grade of the public road leading from New Castle to the City of Wilmington; *and it is likewise further expressly provided*, that if the railroad to be constructed under authority of this act shall be so located as to cross any railroad track now constructed and existing which is owned or operated by any railroad company using steam as a motive power, such crossing shall not be at grade, but shall be by either an overhead or undergrade crossing, which, if undergrade, shall be so located and constructed as not to disturb the roadbed so intersected; or, if overhead, shall be at such an elevation as not to impede or interfere with the free and safe passage of engines and trains on the tracks so crossed.

Must conform to established grades.

Crossing overhead or under grade.

Not to interfere with road crossed

SECTION 10. The aforesaid company shall procure certificates of stock for all the shares of said company and shall deliver one such certificate, signed by the president and the secretary, and sealed with the common seal of the said corporation, to each person for such share or shares of stock, as by him or her are respectively owned, which certificate of stock shall be transferrable at his or her pleasure in person or by attorney duly authorized in the presence of the president, or treasurer, or secretary, in a book to be kept by the said corporation for that purpose.

Certificates of stock.

SECTION 11. The board of directors of said company shall declare dividends of so much of the net profits of the company as shall appear to them advisable, on the first Monday in July and January of each year, which shall be paid to the stockholders on demand within thirty days after the same shall have been declared.

Dividends.

When declared.

OF RAILROADS.

Failure to
hold election
not to dis-
solve corpo-
ration.

SECTION 12. That if at any time an election of officers of said company should not be held and had pursuant to the provisions and appointments of this act the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and have such election at any time afterwards on giving ten days notice thereof in two newspapers, published in the City of Wilmington, of the time and place of holding such election.

Election at
other time.

Electric
plant in
New Castle.

SECTION 13. That the said corporation shall have the power to establish an electric plant in the city of New Castle to generate electricity for lighting public and private property, and shall have all the powers incident thereto; and they shall also have the power of erecting poles in the streets of the said city of New Castle, the same to be under the control of the City Council, for the purpose of conducting said business.

Other
powers.

Public act.

SECTION 14. That this act shall be deemed and taken to be a public act, and may be pleaded and given in evidence as such in all courts of law and equity in this State; and this charter shall be deemed and held to be good for the period of twenty years, to be subject nevertheless to the power of revocation for the misuse or abuse of its privileges by the said company, which is hereby reserved to the legislature; *provided however* that the work contemplated under this charter shall be commenced within six months from the passage of this act, and the said line of railway shall be completed within two years from the passage of this act, or else this charter shall be null and void and forfeited to the State.

Twenty
years.

Work to be
begun with-
in six
months.

Completed
within two
years.

Passed at Dover, March 21, 1893.

OF RAILROADS.

CHAPTER 708.

OF RAILROADS.

AN ACT to authorize the Directors of the Frederica Railroad Company to pay certain moneys to the Town Commissioners of the Town of Frederica.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, as follows:

SECTION 1. That the directors of the Frederica Railroad Company be and they are hereby authorized and empowered to pay and transfer to the Town Commissioners of the town of Frederica, in Kent county, any and all moneys or securities for moneys now remaining in the hands of the said directors or held by them and being the balance of the moneys which came to them under the provisions of an act of the General Assembly of the State of Delaware entitled "An act for the encouragement of internal improvements in the State of Delaware," passed January 26, 1859; and which said moneys or securities for the payment of moneys, when so paid and transferred to the town commissioners of the town of Frederica, shall be expended by the said town commissioners for the use, benefit and improvement of the said town of Frederica as the said town commissioners, or a majority of them, shall deem most advisable and proper.

Directors
authorized
to pay over
to commis-
sioners of
Frederica
moneys re-
maining in
their hands.

To be used
for improve-
ment of said
town.

SECTION 2. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 4, 1893.

OF RAILROADS.

CHAPTER 709.

OF RAILROADS.

AN ACT to incorporate "The Wilmington and Brandywine Springs Railway Company."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

Com-
mis-
sioners.

SECTION 1. That Herbert H. Ward, Frank D. Carpenter, Robert C. Justis, Richard W. Crook and L. H. Ball, M. D., be and they are hereby appointed commissioners to procure and cause to be opened, at such time and place as a majority of them shall deem proper, a suitable book for subscriptions to the capital stock of "The Wilmington and Brandywine Springs Railway Company," and may permit such persons to subscribe in said book for such number of shares of said capital stock as a majority of said commissioners may deem proper.

Name

Powers.

May pur-
chase, hold
and dispose
of property,
real, etc.

May con-
solidate with
other com-
panies

SECTION 2. That so soon as one thousand shares of the said capital stock shall have been subscribed for, the persons subscribing therefor, and such others as shall at any time become shareholders in said company, their successors and assigns, shall be and they are hereby declared to be incorporated by the name, style and title of "The Wilmington and Brandywine Springs Railway Company," and by that name shall have perpetual succession, and by that name shall have power and capacity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any and all courts and places whatsoever, whether in this State or elsewhere, in all manner of actions, suits, complaints, pleas, causes, matters and demands whatsoever, and shall have power to purchase, lease, take, own, and hold by contract, deed, devise, bequest, gift, assignment or otherwise, estate, real, personal or mixed, of every kind, and the same to grant, mortgage, sell, lease, alien, convey and dispose of in such manner and on such terms and conditions as the said company or its successors shall think proper; to enter into any and all contracts necessary or proper to be made in the conduct of its business; to consolidate or merge with any corporation or corporations heretofore or hereafter created,

OF RAILROADS.

the consolidated company having such name as may be agreed upon between said companies at the time of merger, and having all the rights and privileges possessed by any of the companies so merged, the right of merger being hereby conferred upon any company so wishing to consolidate that does not now possess it; to declare dividends out of the net profits of the company; to have a common seal; to ordain by-laws for the government of said company; to exercise and enjoy all the franchises incident to a corporation, and generally to do all and singular those matters and things which appertain to the well-being and ordering of said company; *Provided* that no authority herein given shall be so construed as to authorize the exercise of banking powers.

SECTION 3. That the object and purpose of the corporation hereby created is to construct, maintain and operate a railway between the City of Wilmington and the Brandywine Springs, and for the purpose of securing such construction, maintenance and operation the company hereby created is authorized and empowered to construct, operate and maintain a railway between the points and over the streets, roads and routes hereinafter named; the cars or carriages of said railway to be moved or propelled by horses, by electricity, by cable motor, or by any improved motive power (other than steam) which the said company may, in its discretion, at any time adopt, the right being hereby given to said company to erect, construct, operate and maintain such devices, contrivances and appliances as are necessary to render the said motive power effective in moving or propelling the carriages, cars, or other rolling stock of said company.

SECTION 4. The railway of said company shall be located and constructed along the following routes, viz:

Beginning at the Brandywine Springs, in Mill Creek hundred, New Castle county, thence by such route as the directors may deem most desirable to the boundary line of the city of Wilmington, on Union street; and for locating, constructing, operating and maintaining the railway of the said company it shall have power to use and occupy any county bridge, and so much of any street, avenue, public road or turnpike within the hundreds of White Clay Creek, Mill Creek and Christiana, as may be determined upon by said directors, or, if deemed expedient by the directors of said company, it may use and occupy for a right of way lands

Object.

Motive powers.

Location.

Use of roads, bridges, etc.

Use of other land.

OF RAILROADS.

other than a public road, the right to use which has previously been acquired by gift, lease, purchase, or as is hereinafter provided; *provided however* that before said company shall enter upon any bridge, street, avenue or public road for the purpose of laying or constructing its railway, as herein authorized, it shall obtain the consent of the authorities having the care thereof, who are hereby authorized to grant such consent, and shall be subject to such provisions and regulations respecting so much of the streets, avenues or public roads as shall be actually occupied by the tracks of said company, and for two feet on each side thereof, as may be imposed by said authorities at the time of granting consent for the occupation of said bridge, street, avenue or public road; *and provided further* that if the railway to be constructed under authority of this act shall be so located as to cross the tracks of any steam railway now being operated, such crossing shall not be at grade, but shall be by either overhead or undergrade crossing, which, if undergrade, shall be so constructed as not to interfere with the use of the road so crossed without its consent, or, if overhead, shall be at such elevation as will not impede the free and safe passage of engines and trains on the road so crossed. The railway to be constructed under this act, or any part thereof, may be laid with either a single or double track, or at any time be altered from one to the other, as the directors may from time to time deem to be expedient, together with all sidings, turn-outs, switches, turn-tables, poles, wires, cables, chains, contrivances and appliances necessary for the proper working of said railway. The corporation hereby created and the Wilmington City Railway Company are hereby authorized to contract the one with the other for the transfer and carriage of the cars and passengers of the company hereby incorporated over the tracks of the Wilmington City Railway Company or any part thereof, and to make such other agreements as to furnishing power, equipment service, appliances and other necessities as may be mutually agreed upon. Any agreement for lease or merger to be legal, valid and binding must first be ratified by a majority vote of both companies. *Provided however* that the construction of the railway herein authorized shall be commenced within three months after the passage of this act, and it shall be in operation within two years thereafter, otherwise this act shall become void, and all the rights, privileges and franchises herein granted shall wholly cease and determine; *and provided moreover* that if

Proviso.

Consent of authorities.

Crossing shall not be at grade.

Single or double track

May contract with Wilmington City Railway for transfer of cars and passengers and for equipments, etc.

Agreement when binding.

Commenced within three months.

In operation within two years.

OF RAILROADS.

there be no street railway on Union street at the city line at the point where it is provided that this company's lines shall terminate when said company's tracks shall reach said point, then this company is given authority to extend its tracks along Union street to a point where a line of street railway shall be met within the City of Wilmington.

May extend
line on
Union street
until a street
railway is
met.

SECTION 5. That the capital stock of said company shall be one hundred thousand dollars, divided into one thousand shares of the par value of one hundred dollars each, with the privilege of increasing said capital stock, by vote of the stockholders at an annual or special meeting or meetings, to such amount as they may from time to time determine upon, provided said amount shall not exceed two hundred and fifty thousand dollars. The said company shall have power to borrow money, and to issue its obligations therefor in the form of notes, bonds, or otherwise, with the privilege of securing the payment of such of its obligations as it may desire so to secure by mortgage or mortgages of the said railway or any part thereof, or of any part or all of its estate, real or personal, or of its corporate rights and franchises held under this act or any supplement thereto.

Capital
stock.

May borrow
money on
mortgage,
etc.

SECTION 6. That the business and concerns of said company shall be managed by a board of directors, consisting of not less than three nor more than nine members, who shall be elected by the stockholders from their own number at such times and in such manner as may be provided by the by-laws, and who shall continue in office until their successors are duly chosen; any director ceasing to be a stockholder shall cease to be a director; the board of directors shall elect from their own number a president, and shall have power to elect such other officers, agents or servants as it may deem for the welfare of said company, determining their duties, fixing their compensation, and requiring, when in their judgment it may be desirable, security for the due and faithful performance of their duties. A majority of the whole number of directors shall constitute a quorum for the transaction of all business. Any vacancy in the board of directors, or in the office of president, shall be filled by appointment made by a majority of the whole board of directors.

Directors.

How
elected.

Term of
office.

Officers;
how elected.

Quorum.

Vacancies;
how filled.

SECTION 7. That as soon as convenient, after one thousand shares of the capital stock of said company shall have been subscribed for, the said commissioners, or a majority of

OF RAILROADS.

Meeting of subscribers to stock. them, shall call a meeting of the persons so subscribing for the purpose of organizing said company by the election of a board of directors, the number of which shall be determined by said meeting, and the adoption of by-laws. Said meeting shall be held at such time and place as a majority of said commissioners shall determine, and notice of the time and place of such meeting shall be mailed to each subscriber. At said meeting a board of directors shall be elected by ballot, who shall continue in office until their successors are duly chosen, in accordance with the by-laws, and by-laws for the regulation and government of said company shall be adopted. At said meeting any three of the commissioners shall act as judges of election, and each subscriber shall be entitled, in person or by proxy, to one vote for each share of stock they have subscribed for. As soon as convenient after their election the board of directors shall meet for the election of a president and such other officers as they may determine upon, and for the transaction of such other business as may be brought before them.

Time. Place. Notice
Directors to be chosen.
Judges of election. Vote in person or by proxy. Directors to elect President and other officers.

Annual meeting of stockholders
Time and place. Special meetings.
By-laws may be amended, etc.

SECTION 8. There shall be an annual meeting of the stockholders of said company for the purpose of electing a board of directors, and transacting such other business as may properly be brought before it, which meeting shall be held at such time and place as the by-laws may prescribe. Special meetings of the stockholders may from time to time be called and held pursuant to the provisions of the by-laws. At all stockholders' meetings each stockholder shall be entitled in person or by proxy to one vote for each share of stock held by such stockholder. At any stockholder's meeting, whether special or annual, subject to the provisions of the by-laws, any by-law or by-laws may be altered, amended or repealed, or any new by-law or by-laws adopted by a majority of all the votes cast. *Provided* that notice of the intention to alter, amend or repeal such by-laws or adopt such proposed new by-law or by-laws be given in the call for said stockholder's meeting. The by-laws shall prescribe the proportion of the stock of the company that shall constitute a quorum at stockholder's meetings, and all other things relating to the government of said company not specifically provided for in this act.

Dividends. SECTION 9. That the board of directors may from time to time make and declare dividends of the net profits of the business of said company, or of such portion of such profits as said board may deem proper.

OF RAILROADS.

SECTION 10. Whenever it shall be deemed by the directors necessary to enter upon and occupy any lands, tenements or hereditaments for the use of said corporation, if the owner or owners of such lands, tenements or hereditaments be not known, or be under the age of twenty-one years, or if the directors and such owner or owners cannot agree upon the compensation to be made therefor, the Superior Court for New Castle county in term time, or any judge of the same in vacation shall, upon application by the company, appoint five commissioners (who shall be freeholders) to go upon the premises, first giving notice of the time and place of their meeting to the president of the company, and to the owner or owners of the premises, if residing within the county, otherwise such notice shall be given to the tenant in possession or agent in charge of the premises. The commissioners, being sworn or affirmed to perform their duties with fidelity, shall assess fairly and impartially the damage of such owner or owners to be sustained by their premises being taken for the use of the company, taking into consideration all the advantages to be derived to the owner or owners by reason of said railway; and shall certify their proceedings with their assessments under the hands and seals of a majority of them to the company; whereupon the said company, upon recording the same in the office for recording deeds in and for New Castle county and paying to the owner or owners of the premises the damages assessed as aforesaid, or depositing the same to the credit of such owner or owners in the Farmers' Bank of the State of Delaware, at Wilmington, shall become entitled to hold, use and enjoy the said premises exclusively to it, its successors and assigns forever; *provided* that either party being dissatisfied with the damages so assessed may, on application to the Prothonotary of New Castle county within sixty days after such assessment shall have been recorded as aforesaid, sue out a writ of *ad quod damnum*, requiring the sheriff of said county, in the usual form, to inquire by twelve impartial men of his bailiwick, under oath of affirmation, of the damage aforesaid. The assessment of the jury duly made and returned by the sheriff shall be final. If increased damages are found by the jury, the increased amount shall be paid or deposited by the company as before provided; and if the damages be reduced, the owner shall refund the amount diminished. The costs of the inquisition shall be paid by the unsuccessful party. The work of the said company shall not be delayed by such

Condemnation of land.

Application to Superior Court or resident judges

Freeholders appointed. Time and place of meeting.

Notice.

Oath of commissioners. Duties.

Proceedings to be recorded.

Payment of damages.

Appeal.

Assessment by jury final

Costs.

OF RAILROADS.

Writ of *ad quod damnum* not to defer work.

application for a writ of *ad quod damnum*, but upon payment or deposit, as hereinbefore provided, of the damages awarded by the commissioners, the title to the company to enter upon, use, occupy and enjoy the premises inquired of and to hold the same to it, its successors and assigns, shall become vested and perfect.

Persons injuring property liable to company, and guilty of misdemeanor,

SECTION 11. If any person or persons shall willfully damage or obstruct the said railway or any part thereof, or hinder or delay the building of the same, or damage any of the works or property of said company, such person or persons shall be liable to the company in a civil action for double the damages sustained, and shall moreover be guilty of a misdemeanor, and, on indictment and conviction thereof shall be fined not exceeding three hundred dollars, at the discretion of the court.

Penalty.

Public act.

SECTION 12. That this act shall be deemed and taken to be an act for public improvement, and is declared to be a public act, and shall be published with the other public acts passed at this session of the legislature, and the power to alter, amend, or revoke is hereby reserved to the legislature.

Passed at Dover, April 14, 1893.

CHAPTER 710.

OF RAILROADS.

AN ACT to incorporate the "St. Georges and Kirkwood Electric Railway Company."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring therein):

Commissioners.

SECTION 1. That Dr. J. Cresat McCoy, Jas. H. S. Gam, Dr. John W. Delbitt, George W. Simpler, and George G. Smith, are hereby appointed commissioners to do and to perform the several things hereinafter mentioned, that is to say:

OF RAILROADS.

they, or a majority of them, shall procure and cause to be opened, at such times and places and on such notice as they may deem proper, suitable books for subscriptions to the capital stock of the "St. Georges and Kirkwood Electric Railway Company," and they shall permit all persons of lawful age to subscribe in said books in their own names, or in the names of any other person or company who may authorize the same, for any number of shares in said stock.

Duties.

Name.

SECTION 2. That the capital stock of the said company shall be twenty-five thousand dollars, to be divided into two thousand and five hundred shares of ten dollars each; *provided* that said company may, from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase the capital stock, if it be deemed necessary, to an amount sufficient to carry out the true intent and meaning of this act; *provided further* that the whole capital stock shall not, at any time, exceed one hundred thousand dollars; *and provided also* that the said company, for the purpose of completing and equipping the railways, shall have the power to borrow money, if the board of directors shall so determine, to an amount not exceeding the amount of fifty thousand dollars, and to secure the payment of the same by the issue of bonds, or of a bond and mortgage of the said railways, together with the corporate rights and franchises granted by this act, and annex to said bonds, or bond and mortgage, the privilege of converting the same into capital stock of the said company at par, at the option of the holders, with the concurrence and consent of the board of directors, if they shall signify their election one year before their maturity.

Capital stock.

Limit of capital stock.

Company may borrow money.

How secured.

Conversion of bonds into capital stock.

SECTION 3. That when and as soon as five hundred shares of the capital stock in said company shall be subscribed as aforesaid, the subscribers to the said stock, their successors and assigns, shall be and they are hereby declared to be incorporated by the name and title of the "St. Georges and Kirkwood Electric Railway Company," and by the said name the subscribers shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of record here and elsewhere, and to purchase, receive, have, hold and enjoy to them and their successors real and personal estate of every kind whatsoever, and the same to grant, mortgage, sell, alien and dispose of and to declare dividends of such proportions of the profits of the company as they may deem proper; also to make and have a common

When a corporation.

Corporate title.

Corporate powers.

OF RAILROADS.

By-laws. seal, and the same to alter and renew at pleasure; and also to make, ordain and establish by-laws and regulations for the government of the said corporation not inconsistent with the constitution or laws of the United States or of this State, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being and ordering of the same.

Meeting of subscribers to stock. SECTION 4. That as soon as five hundred shares shall be subscribed as aforesaid, the said commissioners, after giving at least ten days notice thereof, in two or more newspapers, published in New Castle county, shall call a meeting of the said subscribers in the town of St. Georges to organize the said company by the choice and appointment of officers as hereinafter mentioned, and said meeting shall be held at such time as shall be appointed in said notice.

Notice.

Place.

Time.

Commissioners to control until regular election. SECTION 5. The management and control of said company shall be vested in the persons named in the first section of this act until the period hereinafter fixed for the regular election of directors of said company, who shall choose from their number a president, and a secretary and treasurer, and that the stockholders of said company shall meet annually on the first Monday of January, at such place as they shall determine upon, and elect seven directors for said company, all of whom shall be stockholders, who shall elect from their own number, as aforesaid, a president, and a secretary and treasurer for said company.

Annual meeting of stockholders

Directors to be elected.

Officers.

Notice. The notice of such election for directors as aforesaid, and the manner of conducting the same, to be provided for in the by-laws of the said company, and any vacancy in said board of directors may be supplied by appointments to be made by the board of directors until the next annual election; all elections shall be by ballot of the stockholders or their proxies, allowing one vote for each share which shall have been held in his or their name or names, at least thirty days before the time of voting. The board of directors for the time being shall have power to take from any secretary or treasurer, or other officer or agent appointed by them, such security for the faithful performance of their respective duties as they may deem proper.

Vacancies: how filled.

Election by ballot.

Present Board of Directors may take bond from officers.

Powers. SECTION 6. That the "St. Georges and Kirkwood Electric Railway Company" shall have power and they are hereby authorized to locate, construct, operate and maintain a rail-

OF RAILROADS.

way, beginning at a point on the east side of the Delaware Railroad, in the town of Kirkwood, and running thence in an easterly direction to the town of St. Georges. The motive power of the said railway may be either electricity or steam, but if steam, the route of the said railway shall be wholly by private property, to be acquired by purchase, lease, gift or condemnation in the manner hereinafter provided, and if electricity either by the public road or partly by the public road and partly by such other route as may be determined upon by the directors of said company.

Location.

Motive power.

The said company shall also have power and are hereby authorized to locate, construct, operate and maintain a railway beginning at the town of Delaware City and running thence in a southerly direction, either by the public road, or partly by the public road, or partly by such other route as may be determined upon by the directors of said company, through or near the town of Port Penn to Augustine Pier. The motive power of said last mentioned railway shall be by electricity alone.

Further location.

The said company, in the construction of either of its said railways, shall have power to cross all county or hundred bridges and occupy any of the streets of the towns herein named, provided that they shall not interfere with public traffic or public travel, or occupy the streets of said towns without having first obtained the consent of the authorities having supervision over said streets, roads or bridges.

May cross bridges, occupy streets, etc., first obtaining consent of authorities.

And it is likewise further expressly provided that if either of the said railroads to be constructed under authority of this act shall be so located as to cross any railroad track now constructed or existing which is owned or operated by any railroad company using steam as a motive power, such crossing shall not be at grade, but shall be by either an overhead or undergrade crossing, which, if undergrade, shall be so located and constructed as not to disturb the roadbed so intersected, or, if overhead, shall be at such an elevation as not to impede or interfere with the free and safe passage of engines and trains on the roads so crossed.

Crossing of steam railway not to be at grade.

SECTION 7. The company shall be and is hereby authorized to contract for, purchase, and hold all such land as the directors of the said company may deem necessary for the purposes of said railways, and in case such land [as] may be necessary for the location and use of such railways cannot be obtained by purchase, the company may apply to the

May purchase and hold land.

OF RAILROADS.

Petition for condemnation of land.	Superior Court, or to any judge thereof residing in New Castle county, in vacation, by petition, first giving the other party five days notice in writing of such application, the said
Notice; how served.	notice to be served personally, if the party resides in the State, or, in case of non-resident, to be served personally upon the tenant residing upon the land proposed to be taken, and the said court or judge shall appoint five judicious and impartial freeholders to view the premises which the said company may require for the use and construction of said railways, and assess the damages, if any, that the owner or owners may or will sustain by reason of said railways passing through the same. The said freeholders shall be sworn before some judge to faithfully and impartially perform the duties imposed upon them; they shall give ten days written notice to the owners of the property, to be served as hereinbefore provided, and to the president of the company, of the time of their meeting for the discharge of their duty, which meeting shall be held on the land required for the use of said railways; and they shall make report in writing under their hands, or the hands of a majority of them, to the term of the Superior Court of New Castle county next after their appointment, and the said Superior Court may either confirm the said report, or, on good and sufficient reasons, refer the matter back to the same persons, or appoint five other judicious and impartial freeholders to perform the said duty in the manner aforesaid. When judgment or confirmation is rendered by the said court, or any report made as aforesaid, and upon the payment by said company of the amount of damages assessed to the owner or owners of said property, or upon the payment of the same into court for his or their use, whether the said owners or any of them be or be not under any of the disabilities of infancy, coverture, or incompetency of mind, or be in or out of the State, the title to the land and premises mentioned in the said report shall be absolutely vested in said company, their successors and assigns. The fees of the commissioners shall be two dollars per day of actual service; the fees of the prothonotary on any such proceeding shall be determined by the court; all of the fees shall be paid by the company. Said company shall erect and maintain fences on either or both sides of its route.
Court or judge to appoint freeholders.	
Duties of freeholders.	
Court may confirm report or refer back or appoint new freeholders.	
Upon payment of damages land to vest in company.	
Fees.	
By whom paid.	
Object of railway.	SECTION 8. The said railways shall be used as passenger and freight railways.

OF RAILROADS.

SECTION 9. That it is hereby provided that the said St. Georges and Kirkwood Electric Railway Company, in constructing their railway along the streets of said towns or along the roads of said route, shall conform to the established grades, and shall not materially affect or damage the same; also that said company shall be subject to any ordinances passed by the council of any town relating thereto.

Must conform to established grades.

SECTION 10. The aforesaid company shall procure certificates of stock for all the shares of said company, and shall deliver one such certificate, signed by the president and secretary, and sealed with the common seal of the said corporation, to each person for each share or shares of stock as by him or her are respectively owned, which certificate of stock shall be transferable at his or her pleasure, in person or by attorney duly authorized, in presence of the president, or secretary, in a book to be kept by the said corporation for that purpose.

Certificates of stock to be issued to owners thereof.

Same transferable.

How.

SECTION 11. The board of directors of said company shall declare dividends of so much of the net profits of the company as shall appear to them advisable on the first Monday in January of each year, which shall be paid to the stockholders on demand within thirty days after the same shall have been declared.

Dividends.

SECTION 12. That if at any time an election of officers should not be held and had pursuant to the provisions and appointment of this act the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and to have such election at any time afterwards, on giving ten days notice thereof in two newspapers published in New Castle county, one of which shall be published in the hundred or the adjoining hundred, and one in the City of Wilmington, of the place of holding such election.

Failure to hold election not to dissolve corporation.

Election at any time.

Notice, etc.

SECTION 13. The said corporation shall have power to establish an electric plant in any of the towns which said railways may enter or pass through to generate electricity for lighting public or private property, and shall have all the powers incident thereto, and shall have the power of erecting poles in the streets of said towns or elsewhere along the line of said railways, the same to be under the control of the town councils of any of said towns, for the purpose of conducting said business.

May establish electric plant in any town through which road passes.

Under control of town councils.

OF RAILROADS.

Public act.

SECTION 14. That this act shall be deemed and taken to be a public act, and may be pleaded and given in evidence as such in all courts of law and equity in this State, and this charter shall be deemed and held good for a period of twenty years, to be subject, nevertheless, to the power of revocation, alteration or amendment, which is hereby reserved to the legislature.

Construction to be commenced prior to Jan. 1, 1894, and parts in operation before Jan. 1, 1896.

SECTION 15. The building of said railways shall be commenced before the first day of January, A. D. 1894, and the said railways or such parts thereof as the said company shall elect to construct shall be constructed, equipped and operated before the first day of January, A. D. 1896, otherwise the said charter shall cease and wholly determine.

Passed at Dover, April 14, 1893.

CHAPTER 711.

OF RAILROADS.

AN ACT to incorporate the Middletown Electric Railway Company.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (with the concurrence of two-thirds of each branch of the Legislature):

Commissioners.

Duties of commissioners.

Subscriptions.

SECTION 1. That W. A. Cornegys, T. H. Gilpen, S. M. Reynolds, Abram Vandegrift and J. Thomas Budd, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they, or a majority of them, shall procure and cause to be opened, at such times and places and on such notice as they may deem proper, suitable books for subscription to the stock of the Middletown Electric Railway Company, and they shall permit all persons of lawful age to subscribe in said books in their own names, or in the name of any other person or company who may authorize the same, for any number of shares in said stock.

OF RAILROADS.

The capital stock of said company shall be one hundred thousand dollars (\$100,000), divided into four thousand shares (4000) of twenty-five dollars (\$25) each; but the company, by a vote of the majority of the stockholders, may increase to an amount not to exceed two hundred thousand dollars, (\$200,000). It shall also have the right, when the sum of twenty-five thousand dollars (\$25,000) of the stock has been paid up, to borrow upon bonds of said company, when authorized so to do by a vote of a majority of the shares or stockholders, a sum of money not to exceed fifty thousand dollars (\$50,000), to be secured by a mortgage filed and placed on record in the office of the recorder of deeds in and for New Castle county, Delaware.

Capital stock.

May borrow money when \$25,000 paid up.

How secured.

The subscribers to the aforesaid capital stock shall pay to the treasurer of said company the installments on each share by them subscribed, as the same shall be called in pursuance to the public notice and call of the directors and if any subscriber shall omit for thirty days after such call to pay any such installments at the time and place appointed in said notice he shall pay, in addition to the installments, at the rate of five per centum a month for the delay of such payment, or the shares so held by him, with all the previous installments paid thereon, may be declared forfeited to the directors. All sums of money which may accrue to the company under this section may be sued for and recovered as debts of like amount are recovered by the laws of this State.

Subscribers to pay installments upon notice being given.

Five per cent. added for each 30 day's delay.

Forfeiture.

Subscriptions; how recoverable.

SECTION 2. *And be it further enacted,* That when and as soon as one hundred (100) shares of the capital stock in said company shall be subscribed as aforesaid, the subscribers, their successors and assigns, shall and they are hereby declared to be incorporated by the name and title of the Middletown Electric Railway Company, and by the same name the subscribers shall have perpetual succession, and be able to sue and be sued, plead and be impleaded, in all courts of record and elsewhere, and to purchase, receive, have, hold and enjoy to them, and to their successors, real and personal property of every kind whatsoever, and the same to grant, mortgage, sell, alien and dispose of, and to declare dividends of such portions of the profits of the company as they may deem proper; also to make and have a common seal, and the same to alter and renew at pleasure; and also to make and ordain by-laws and regulations for the government of the said corporation not inconsistent with the constitution and

Subscribers incorporated, when 100 shares subscribed.

Corporate title.

Corporate powers.

OF RAILROADS.

laws of the United States or of this State, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being and ordering of the same. *Provided* that nothing herein contained shall confer any banking privileges on the said company, or any other liberties, franchises or privileges but those which are properly incidental to such a corporation.

SECTION 3. *And be it further enacted as aforesaid,* That as soon as one hundred (100) shares of the capital stock of said company shall be subscribed, as aforesaid, the said commissioners, or a majority of them, after giving at least two weeks notice thereof in two or more newspapers published in this State, shall call a meeting of the said subscribers, at Middletown, to organize the said company by the choice and appointment of officers, as hereinafter mentioned. Each share of stock shall be entitled to one vote.

SECTION 4. *And be it further enacted as aforesaid,* That at the first meeting of the stockholders to be held under the aforesaid call of the commissioners, and every annual meeting of the stockholders to be held thereafter on the first Wednesday in April in every year, at Middletown, Delaware, for the purpose of electing directors and for the transacting of other business, they shall elect seven directors, a majority of whom shall be citizens of this State and stockholders in said company.

The first election of directors shall be conducted by two of the said commissioners as the judges thereof, and all subsequent elections of said officers shall be conducted by two of the stockholders not in the board, to be appointed by the directors for the time being as judges for that purpose.

The directors, immediately after their election, shall proceed to choose one of their number to be president of their company and of said board, and their term of office shall be until the annual meeting of the stockholders succeeding their election and until their successors shall be duly chosen.

The directors shall also appoint, immediately after their election, a secretary and treasurer of the said company, who shall continue in office for the term aforesaid and until their successors shall be duly appointed, unless sooner removed for a sufficient cause by the directors.

OF RAILROADS.

They shall require of the treasurer, on his appointment, a Bond of treasurer. bond, with sufficient security, for the proper performance of the duties of his office and the faithful discharge of the trust reposed in him by the said company.

A majority of the whole number of the directors shall constitute a quorum for the transaction of business, and in the absence of the president may appoint a chairman of the board *pro tempore*. Quorum.

Vacancies in the board of directors and in the office of president, secretary and treasurer may be filled by the remaining directors, to continue as aforesaid. Vacancies; how filled.

The said president and directors shall hold their meetings in Middletown, and in such other places as they may deem expedient on the line of said road, and the said directors shall have the general direction, conduct and management of the property, business and operation of the said company, and for that purpose shall have power to appoint, engage and employ all such officers and agents, engineers, contractors, workmen and laborers as they shall deem necessary, and to fix salaries of all officers in the corporation, and the compensation and wages of all persons employed by them as aforesaid, and take bond from them, or any of them, with security for the faithful performance of their duties, or contract to procure such materials, erect such structures and buildings, and to purchase or employ such machinery, engines, cars, and other equipments and supplies for the road, and the electric plants, and for that purpose to make and enter into such contracts and agreements with other persons and companies as they may consider expedient and proper, and best adapted to promote the objects and subserve the best interests of the said company. Directors' meetings; where held. They shall have full power to do all the acts that may be necessary to effect the purposes for which the said company is hereby incorporated, and to this end raise the capital stock and funds of the said company, and to bind by their contracts, under seal of said corporation and the hand of the president, all the property and estate of the said company. Powers and duties of directors.

They shall also have the power to make and prescribe the by-laws and regulations for the government of the company, to provide certificates of stock, under seal of the company and the signature of the president, countersigned by the secretary, for all shares subscribed, and to prescribe the mode of assigning and transferring the same, and generally to do all By-laws. Certificates of stock; how executed.

OF RAILROADS.

other matters and things as by this act and the by-laws and regulations of the company they shall be authorized to do.

Certificates
of stock
assignable.

All shares or certificates of stock are assignable, at the will of the holder, on the books of said company, in the method prescribed by the by-laws, and the assignee of any such certificate shall be a stockholder in said company and shall be entitled to all the rights and emoluments incident thereto, and be subject to all the installments, forfeitures and penalties due or to become due thereon as the original subscriber would have been.

Stockhold-
ers in ar-
rears not
entitled to
vote.

Provided that no stockholder shall be entitled to vote at any election or in any meeting of the company on whose shares any installments shall have been due and payable more than thirty days previous to such election or meeting and are still unpaid at that time.

Dividends.

The said president and directors shall, from time to time, make and declare dividends of the net profits of the business of the company, or of such portion of such profits as they may deem advisable, the times for which shall be fixed by the by-laws, and public notice thereof shall be given by them.

Duty of
officers to
exhibit
statement
of affairs of
company.

And at each annual meeting of the stockholders it shall be the duty of the president and directors of the preceding year to submit a report and to exhibit to them a full and correct statement of the proceedings and affairs of the company for that year.

Location of
road.

SECTION 5. *And be it further enacted as aforesaid,* That the said company be and they are hereby authorized to survey, locate and construct a railway, to be operated by electricity, with one or more tracks and sidings and switches, from a point at or near the bridge over the Appoquinimink river, in the town of Odessa, New Castle county, in the State of Delaware, through the main street thereof to the public road leading from Odessa to the town of Middletown, county and State aforesaid; and thence upon the south side of said public road to the boundary of said Middletown; thence by such street or streets as may be agreed upon by this company through its president and directors, or a majority of them, and the town commissioners of Middletown aforesaid, to the Delaware Railroad; thence crossing said Delaware Railroad, on and by the public road leading from Middletown to the State line of Delaware and Maryland, near the village of

OF RAILROADS.

Warwick, Cecil county, State of Maryland, with the right to connect with or merge into any railway from the State line into the State of Maryland, or elsewhere in this State, such connection or merger to be upon such terms and conditions as shall be agreed upon between the companies uniting, merged and connecting, to be reduced to writing and authenticated under the seals of the said companies. The said company, hereby created, shall be empowered to erect, establish, construct and maintain a plant or plants for the purpose of generating electrical currents for motive power for the operation of the said road, which shall be operated by electricity or horse-power only.

May merge with other railways.

Agreement of merger; how attested

Right to maintain plants for motive power.

Also, is authorized to contract for and furnish electricity for lighting towns, dwelling-houses, business places and public edifices.

May contract for lighting towns, dwellings, etc.

Also is authorized to supply heat and power from electricity for dwellings and factories, and for all purposes where electrical currents may or shall hereafter be used. And the said company shall have the right to erect poles, lay ground wires in any of the towns and villages subject to the authorities of said towns and villages as to the location of said poles, and to erect poles along the sides of the aforesaid public roads; said poles to be of wood or iron and to be safely planted in the ground; and shall be empowered to string upon said poles one or more wires to carry the electrical currents for the purpose aforementioned.

May furnish heat or light for factories and dwellings.

May erect poles, lay ground wires, etc.

SECTION 6. *And be it further enacted as aforesaid,* That the railway, or any part of the same, to be constructed under this act, may be laid with single or double tracks, and the same may at any time be altered from one to the other, as the directors shall deem expedient, and it may be laid, located, constructed, operated and maintained with all sidings, turnouts, switches, poles, wires, cables, chains, devices, contrivances, machinery and appliances necessary in the judgment of said directors for the proper working of the said railway and the electrical machinery as the motive power or otherwise; and for the purpose of locating, constructing, operating and maintaining the said railway, with its sidings, turnouts, switches, poles, wires and cables, chains, devices, contrivances, machinery and appliances, as aforesaid, the company shall have the power to use and occupy so much of any street, avenue, highway, or turnpike within the said towns of Odessa and Middletown as

Railway may be laid with single or with double tracks.

How operated and maintained.

May occupy certain streets and roads.

OF RAILROADS.

may be necessary, and beyond the limits of said towns of Odessa and Middletown the company may, for the purposes aforesaid, use and occupy any public road of St. Georges hundred, in the county of New Castle, and, if deemed expedient by the directors, may, for the purpose aforesaid, use and occupy any land other than a public road, the title to said land being first acquired as hereinafter directed. *Provided*, that said railway shall be conformed as near as may be to the grades which now are or may hereafter be established for any street or road over which the said railway shall be located, and shall not interfere with the proper and free access to the culverts, water or gas pipes in said towns of Odessa and Middletown.

Crossings
shall not be
at grade.

Not to in-
terfere with
passage of
engines on
roads
crossed.

And it is likewise further expressly provided that, if the railroad to be constructed under authority of this act shall be so located as to cross any railroad track now constructed or existing, which is owned or operated by any railroad company using steam as a motive power, such crossing shall not be at grade, but shall be by either an overhead or undergrade crossing, which, if undergrade, shall be so located and constructed as not to disturb the roadbed so intersected, or, if overhead, shall be at such an elevation as not to impede or interfere with the free and safe passage of engines and trains on the roads so crossed.

Superior
Court shall
appoint
commissioners to
view prem-
ises, etc.

Notice.

Oath of
commis-
sioners.

SECTION 7. *And be it further enacted as aforesaid*, That whenever it shall be deemed by the directors necessary to enter upon and occupy any lands, tenements or hereditaments for the use of said corporation, if the owner or owners of such lands, tenements or hereditaments be not known, or be under the age of twenty-one years, or if the directors and such owner or owners cannot agree upon the compensation to be made therefor, the Superior Court for New Castle county, in term time, or any judge of the same in vacation, shall, upon application by the company, appoint, subject to the limitations hereinafter contained, five (5) commissioners (who shall be freeholders), who shall go upon the premises, first giving notice of the time and place of their meeting to the president of the company and to the owner or owners of the premises, if residing within the county, otherwise such notice shall be given to the tenant in possession of the premises. The commissioners, being sworn or affirmed to perform their duties with fidelity, shall assess fairly and impartially the damages of such owner or owners to be sustained by the

OF RAILROADS.

premises being taken for the use of the company, taking into consideration all the advantages to be derived, to the owner or owners by reason of the said railway and its electrical appurtenances, and shall certify their proceedings, with their assessment or award, under their hands and seals, or the hands and seals of a majority of them, to the company, whereupon the said company, upon recording the same in the office for recording deeds in and for New Castle county, and paying to the owner or owners of the premises the damages assessed as aforesaid, or depositing the same to the credit of such owner or owners in the Farmers' Bank of the State of Delaware, at Wilmington, shall become entitled to hold, use, occupy and enjoy the said premises exclusively to it, its successors and assigns forever.

Assessment of damages.

Assessment to be recorded.

Damages, how to be paid.

Provided that either party, being dissatisfied with the damage so assessed, may, on application to the Prothonotary of New Castle county, within ninety days after such assessment shall have been recorded as aforesaid, sue out a writ of "*ad quod damnum*" requiring the sheriff of said county, in the usual form, to inquire, by twelve impartial men of his bailiwick, under oath or affirmation, of the damages aforesaid. The assessment of the jury, duly made and returned by the sheriff, shall be final. If increased damages are found by the jury, the increased amount shall be paid or deposited by the company as before provided, and if the damages be reduced, the owner shall refund the amount diminished. The cost of the inquisition shall be paid by the unsuccessful party. The fee of a commissioner shall be one dollar per day, to be paid by the company, and of a juror one dollar and fifty cents.

Right of writ of "*ad quod damnum*."

Assessment of jury to be final.

Fees of commissioners and jurors.

The works of said company shall not be delayed by such application for a writ of *ad quod damnum*, but upon payment or deposit as hereinbefore provided, of the damages awarded by the commissioners, the title of the company to enter upon, use, occupy and enjoy the premises inquired of, and to hold the same, to it, its successors and assigns, shall become vested and perfect.

Works not to be delayed by application for writ.

Title; when vested.

Should a commissioner appointed by this section die or become incapable of acting before the commission is executed, any judge of the Superior Court may fill the vacancy.

Vacancies in commission; how filled.

SECTION 8. *And be it further enacted as aforesaid*, That it shall be the duty of the said company to construct and keep in repair good and sufficient crossings and passages of

Duty of company to maintain crossings.

OF RAILROADS.

public travel across said railway where any public road or road entrance to private property is crossed by said railway.

SECTION 9. *And be it further enacted as aforesaid,* That if any person or persons shall willfully damage or obstruct the said railway or any part thereof, on any point of its line or roadbed, or poles, or wires, or any property of the said company, they shall be liable to the company in a civil action for double the amount of damages sustained, and shall also be guilty of a misdemeanor, and upon indictment and conviction shall be fined not exceeding five hundred dollars and imprisoned in the discretion of the court.

SECTION 10. *And be it further enacted as aforesaid,* That if at any time an election of officers of the said company shall not be held and had pursuant to the provisions and appointment of this act, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to have and hold such election at any such time afterward, on giving ten days notice thereof, in at least one newspaper published in each county of this State, of the time and place of holding such election.

SECTION 11. *And be it further enacted as aforesaid,* That it shall be lawful for the said company to make a tariff for passengers and freight, and for the carriage or transportation of passengers. The rate shall not exceed seven cents per mile for each passenger carried one mile or less, nor shall the rate of such freight as can be transported by said railway (except money, express packages and valuable papers, and like property) exceed thirty cents per one hundred pounds between Odessa and Middletown or Middletown and the Maryland State line; but this company shall not be considered a public carrier as to the transportation of freight.

SECTION 12. *And be it further enacted as aforesaid,* That this act shall be deemed and taken to be a public act, and may be pleaded and given in evidence as such in all courts of law and equity in this State, and that this charter shall be held and deemed to be for a period of twenty years, subject nevertheless to the power of alleviation, amendment and revocation hereby reserved to the legislature.

Provided however that the work of construction shall be begun within six months and completed within two years from the date of the passage of this act, otherwise this act shall become null and void and of no effect whatsoever.

Passed at Dover, April 19, 1893.

OF RAILROADS.

CHAPTER 712.

OF RAILROADS.

AN ACT to incorporate "The Smyrna and Woodland Beach Electric Railway Company."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (with the concurrence of two-thirds of each branch thereof):* That Edwin R. Cochran, Lucius P. Campbell, John F. Goldsborough, William A. C. Hardcastle and Franklin Temple, be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: they, or a majority of them, shall procure and cause to be opened, at such time and place and on such notice as they may deem proper, suitable books for subscriptions to the capital stock of the Smyrna and Woodland Beach Electric Railway Company, and they shall permit all persons of lawful age to subscribe in said books in their own names, or in the names of any other person or company who may authorize the same, for any number of shares in the said stock.

Commiss-
sioners.

Duties.

Stock sub-
scriptions

SECTION 2. That the capital stock of said company shall be one hundred thousand dollars, to be divided into ten thousand shares of ten dollars each; *provided* that said company may from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase the capital stock, if it shall be deemed necessary, to an amount sufficient to carry out the true intent and meaning of this act; *provided further* that the whole capital stock shall not at any time exceed five hundred thousand dollars; and *provided also* that the said company, for the purpose of completing and equipping the railway, shall have the power to borrow money, if the board of directors shall so determine, to an amount not exceeding the amount of fifty thousand dollars, and to secure the payment of the same by the issue of bonds, or of a bond and mortgage of the said railway, together with the corporate rights and franchises granted by this act, and annex to said bonds, or bond and mortgage, the privilege of converting the same into capital stock of said company at par, at the option of the holders with the concurrence and consent of the board of directors, if they shall signify their election one year before their maturity.

Capital
stock

May borrow
money.

OF RAILROADS.

SECTION 3. That when and as soon as two thousand shares of capital stock in said company shall be subscribed as aforesaid, the subscribers to the said stock, their successors and assigns shall be and they are hereby declared to be incorporated by the name and title of the "Smyrna and Woodland Beach Electric Railway Company," and by the said name the subscribers shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of record here and elsewhere, and to purchase, receive, have, hold and enjoy to them and their successors real and personal estate of every kind whatsoever, and the same to grant, mortgage, sell, alien and dispose of, and to declare dividends of such proportions of the profits of the company as they may deem proper; also to make and have a common seal, and the same to renew and alter at pleasure; and also to make, ordain and establish by-laws and regulations for the government of the said corporation, not inconsistent with the constitution or laws of the United States or of this State, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being and ordering of the same.

Meeting of
subscribers
to stock.

SECTION 4. That as soon as two thousand shares shall be subscribed as aforesaid, the said commissioners, after giving at least ten days notice thereof, in two or more newspapers published in this State, shall call a meeting of the said subscribers, in the town of Smyrna, to organize the said company by the choice and appointment of officers as hereinafter mentioned, and said meeting shall be held at such time as shall be appointed in said notice.

Present
manage-
ment vested
in commis-
sioners
named.

Annual
meeting of
stockholders

Election of
officers.

SECTION 5. That the management and control of said company shall be vested in the persons named in the first section of this act until the period herein fixed for the regular election of directors of said company, who shall choose from their number a president and a secretary and a treasurer, and that the stockholders of said company shall meet annually, on the first Monday of January, at such place as they shall determine upon, and elect seven directors for said company, all of whom shall be stockholders, who shall elect from their own number, as aforesaid, a president, and a treasurer, and a secretary for said company.

The notice of such election for directors as aforesaid, and the manner of conducting the same, to be provided for in the by-laws of said company, and any vacancy in said board of

OF RAILROADS.

directors may be supplied by appointments to be made by the board of directors until the next annual election. All elections shall be by ballot of the stockholders or their proxies, allowing one vote for each share which shall have been held in his or their name or names at least thirty days before the time of voting. The board of directors for the time being shall have power to take from any treasurer or secretary, or other officer or agent appointed by them, such security for the faithful performance of their respective duties as they may deem proper.

Vacancies;
how filled.

Officers to
give bond.

SECTION 6. That the Smyrna and Woodland Beach Electric Railway Company shall have power, and they are hereby authorized to locate and construct a railway from the town of Smyrna to Woodland Beach, beginning at such point in the town of Smyrna, and running through such streets in said town as the town council shall designate, and thence, either by the public road, or partly by the public road and partly by some other route, as may be determined upon by the directors of said company; *and provided further*, that the said company shall have the power to acquire and use, either by lease or purchase, the tracks and roadbed of the Baltimore & Delaware Bay railroad, now built between the said town of Smyrna and Woodland Beach, and the said company shall have power to cross all county bridges, provided they shall not interfere with public travel and public traffic to Woodland Beach as aforesaid.

Location of
road.

May con-
tract for use
of Baltimore
& Delaware
Bay railroad

May cross
county
bridges.

SECTION 7. That the company shall be and they are hereby authorized to contract for, purchase and hold all such land as the directors of the said company may deem necessary for the purpose of said railway, and in case such land [as] may be necessary for the location and use of such railway cannot be obtained by purchase, the company may apply to the Superior Court, or to any judge thereof residing in Kent county, in vacation, by petition, first giving the other party five days notice, in writing, of such application, the said notice to be served personally if the party resides in the State, or, in case of non-residents, to be served upon the tenant residing upon the land proposed to be taken; and the said court or judge shall appoint five judicious and impartial freeholders to view the premises which the said company may require for the use and construction of the said railway, and assess the damages, if any, that the owner or owners thereof will sustain by reason of said railway passing through

Condemna-
tion of land.

Freeholders
to be ap-
pointed to
assess dam-
ages.

OF RAILROADS.

the same. The said freeholders shall be sworn before some judge faithfully and impartially to perform the duties imposed upon them.

Object of
road and
motive
power.

SECTION 8. That the said railway shall be used as a passenger railway, and the motive power of said railway shall be by electricity.

Shall conform to established grade.

SECTION 9. That it is hereby provided that the said Smyrna and Woodland Beach Electric Railway Company shall, in constructing their railway along the streets of the town of Smyrna, conform to the established grades and be subject to any ordinances passed by the town council relating thereto, and provided also that the said company shall not materially affect or damage the present grade of the public road leading from Smyrna to Woodland Beach; and it is likewise further expressly provided that, if the railroad to be constructed under authority of this act shall be so located as to cross any railroad track now constructed or existing which is owned or operated by any railroad company using steam as a motive power, such crossing shall not be at grade, but shall be by either an overhead or undergrade crossing, which, if undergrade, shall be so located and constructed as not to disturb the roadbed so intersected, or, if overhead, shall be at such an elevation as not to impede or interfere with the free and safe passage of engines and trains on the roads so crossed.

Not to cross
tracks of
steam rail-
way at
grade.

Certificates
of stock to
be delivered
to subscrib-
ers thereof.

SECTION 10. The aforesaid company shall procure certificates of stock for all the shares of said company, and shall deliver one such certificate, signed by the president and secretary, and sealed with the common seal of the said corporation, to each person for such share or shares of stock as by him or her are respectively owned, which certificate of stock shall be transferable at his or her pleasure, in person or by attorney duly authorized, in the presence of the president, or treasurer, or secretary, in a book to be kept by the said corporation for that purpose.

May be
transferred

Failure to
hold annual
election not
to dissolve
corporation.

Election at
other time.

SECTION 11. That if at any time an election of officers of said company should not be held and had pursuant to the provisions and appointment of this act, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and have such election at any time afterwards, on giving ten days notice thereof, in two newspapers published in Kent county, of the time and place of holding such election.

OF RAILROADS.

SECTION 12. That the said corporation shall have the power to establish an electric plant in the town of Smyrna to generate electricity for lighting public and private property, and shall have all the powers incident thereto; and they shall also have the power of erecting poles in the streets of the said town of Smyrna, the same to be under the control of the town council, for the purpose of conducting said business.

May establish electric lighting plant in Smyrna.

SECTION 13. That this act shall be deemed and taken to be a public act, and may be pleaded and given in evidence as such in all courts of law and equity in this State, and this charter shall be deemed and held to be good for the period of twenty years, to be subject nevertheless to the power of revocation, alteration, or amendment, which is hereby reserved to the legislature.

Public act.

SECTION 14. It shall be the duty of said corporation to locate and commence the construction of the railway authorized under the provisions of this act on or before the first day of July, A. D. one thousand eight hundred and ninety-three, and such railway shall be fully constructed, equipped and operated by the first day of January, A. D. one thousand eight hundred and ninety-five, otherwise this act shall become void, and all the rights, privileges and franchises hereby granted shall on the day last aforesaid wholly cease and determine.

When construction to be begun.
When to be completed.

Passed at Dover, April 20, 1893.

OF RAILROADS.

CHAPTER 713.

OF RAILROADS.

AN ACT to incorporate "The Gordon Heights Railway Company."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

Commis-
sioners.

Duties.

SECTION 1. William Beadenkopf, Harry Emmons, George R. Townsend and Philip R. Clark be and they are hereby appointed commissioners to procure and cause to be opened, at such time and place as a majority of them shall deem proper, a suitable book for subscriptions to the capital stock of the Gordon Heights Railway company, and may permit such persons to subscribe in said book for such number of shares of said capital stock as a majority of said commissioners may deem proper.

Name.

Corporate
powers.

SECTION 2. That as soon as one hundred shares of the said capital stock shall have been subscribed for, the persons subscribing therefor, and such others as shall at any time become shareholders in said company, their successors and assigns, shall be and they are hereby declared to be incorporated [by the] style and title of "The Gordon Heights Railway Company," and by that name shall have perpetual succession, and by that name shall have power and capacity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in any and all courts and places whatsoever, whether in this State or elsewhere, in all manner of actions, suits, complaints, pleas, causes, matters and demands whatsoever, and shall have power to purchase, lease, take, own and hold by contract, deed, devise, bequest, gift, assignment, or otherwise, estate, real, personal or mixed, of every kind, and the same to grant, mortgage, sell, lease, alien, convey and dispose of in such manner and on such terms and conditions as the said company, or its successors, shall think proper; to enter into any and all contracts necessary or proper to be made in the conduct of its business; to consolidate or merge with any corporation or corporations heretofore or hereafter created, the consolidated company having such name as may be agreed upon between said companies at the time of merger, and having all the rights and

OF RAILROADS.

privileges possessed by any of the companies so merged, the right of merger being hereby conferred upon any company so wishing to consolidate that does not possess it; to declare dividends out of the net profits of the company; to have a common seal, to ordain by-laws for the government of said company; to exercise and enjoy all the franchises incident to a corporation, and generally to do all and singular those matters and things which appertain to the well being and ordering of said company; *provided*, that no authority herein given shall be so construed as to authorize the exercise of banking powers.

SECTION 3. That the object and purpose of the corporation hereby created is to construct, maintain and operate a railway from a point on the Delaware river, at or near the Gordon Heights station on the Philadelphia, Wilmington and Baltimore Railroad, to the City of Wilmington, or to any intermediate point or points in said route; and for the purpose of securing such construction, maintenance and operation the company hereby created is authorized and empowered to construct, operate and maintain a railway between the points and over the streets, roads and routes hereinafter named; the cars or carriages of said railway to be moved or propelled by horses, by electricity, by cable motor, or by any improved motive power (other than steam) which the said company may, in its discretion, at any time adopt, the right being hereby given to said company to erect, construct, operate and maintain such devices, contrivances and appliances as are necessary to render the said motive power effective in moving or propelling the carriages, cars, or other rolling stock of said company.

Object.
Motive powers.

SECTION 4. The railway of said company shall be located and constructed along the following routes, viz:

Beginning at a point on the Delaware river at or near the Gordon Heights station on the Philadelphia, Wilmington and Baltimore Railroad to the northerly or northeasterly boundary line of the City of Wilmington, or to any intermediate point or points within Brandywine hundred; and for locating, constructing, operating and maintaining the railway of the said company it shall have power to use and occupy any county bridge, and so much of any street, avenue, public road or turnpike within Brandywine hundred as may be determined by said directors, or, if deemed expedient by the directors of said company, it may use and

Location.

Use of roads, bridges, etc.

OF RAILROADS.

Use of other land. occupy for a right of way lands other than a public road, the right to use which has previously been acquired by gift, lease, purchase, or as is hereinafter provided; *provided however* that before said company shall enter upon any bridge, street, avenue, or public road for the purpose of laying or constructing its railway, as herein authorized, it shall obtain the consent of the authorities having the care thereof, who are hereby authorized to grant such consent, and shall be subject to such provisions and regulations respecting so much of the streets, avenues or public roads as shall be actually occupied by the tracks of said company, and for two feet on each side thereof, as may be imposed by said authorities at the time of granting consent for the occupation of said bridge, street, avenue or public road; *and provided further*, that if the railway to be constructed under authority of this act shall be so located as to cross the tracks of any steam railroad now being operated, such crossing shall not be at grade, but shall be by either overhead or undergrade crossing, which, if undergrade, shall be so constructed as not to interfere with the use of the road so crossed without its consent, or, if overhead, shall be at such elevation as will not impede the free and safe passage of engines and trains on the road so crossed. The railway to be constructed under this act, or any part thereof, may be laid with either a single or double track, or at any time be altered from one to the other, as the directors may from time to time deem to be expedient, together with all sidings, turnouts, switches, turn-tables, poles, wires, cables, chains, contrivances and appliances necessary for the proper working of said railway. The corporation hereby created and the Wilmington City Railway Company are hereby authorized to contract the one with the other for the transfer and carriage of the cars and passengers of the company hereby incorporated over the tracks of the Wilmington City Railway Company, or any part thereof, and to make such other agreements as to furnishing power, equipment service, appliances, and other necessities as may be mutually agreed upon. Any agreement for lease or merger, to be legal, valid and binding, must first be ratified by a vote of a majority of the stockholders of both companies. *Provided however* that the construction of the railway herein authorized shall be commenced within six months after the passage of this act, and it shall be completed, equipped and in operation within two years thereafter, otherwise this act shall become void, and all the rights, privileges and franchises herein granted shall wholly cease and determine.

Proviso.

Consent of authorities.

Crossings shall not be at grade.

Single or double track

May contract with Wilmington City Railway for transfer of cars and passengers and for equipments, etc.

Agreement; when binding.

Commenced within three months.

In operation within two years.

OF RAILROADS.

SECTION 5. That the capital stock of said company shall be fifty thousand dollars, divided into five hundred shares of the par value of one hundred dollars each, with the privilege of increasing said capital stock, by vote of the stockholders at an annual or special meeting or meetings to such amount as they may from time to time determine upon, provided it does not at any time exceed one hundred and fifty thousand dollars. The said company shall have power to borrow money, and to issue its obligations therefor in the form of notes, bonds, or otherwise, with the privilege of securing the payment of such of its obligations as it may desire so to secure by mortgage or mortgages of the said railway or any part thereof, or of any part or all of its estate, real or personal, or of its corporate rights and franchises held under this act or any supplement thereto.

SECTION 6. That the business and concerns of said company shall be managed by a board of directors, consisting of not less than three nor more than nine members, who shall be elected by the stockholders from their own number at such times and in such manner as may be provided by the by-laws, and who shall continue in office until their successors are duly chosen; any director ceasing to be a stockholder shall cease to be a director; the board of directors shall elect from their own number a president, and shall have power to elect such other officers, agents or servants as it may deem for the welfare of said company, determining their duties, fixing their compensation, and requiring, when in their judgment it may be desirable, security for the due and faithful performance of their duties. A majority of the whole number of directors shall constitute a quorum for the transaction of all business. Any vacancy in the board of directors, or in the office of president, shall be filled by appointment made by a majority of the whole board of directors.

SECTION 7. That as soon as convenient, after one hundred shares of the capital stock of said company shall have been subscribed for, the said commissioners, or a majority of them, shall call a meeting of the persons so subscribing for the purpose of organizing said company by the election of a board of directors, the number of which shall be determined by said meeting, and the adoption of by-laws. Said meeting shall be held at such time and place as a majority of said commissioners shall determine, and notice of the time and place of such meeting shall be mailed to each subscriber. At

OF RAILROADS.

Directors to be chosen. said meeting a board of directors shall be elected by ballot, who shall continue in office until their successors are duly chosen, in accordance with the by-laws, and by-laws for the regulation and government of said company shall be adopted. At said meeting any three of the commissioners shall act as judges of election, and each subscriber shall be entitled, in person or by proxy, to one vote for each share of stock they have subscribed for. As soon as convenient after their election, the board of directors shall meet for the election of a president and such other officers as they may determine upon, and for the transaction of such other business as may be brought before them.

Judges of election. Vote in person or by proxy. Directors to elect President and other officers.

Annual meeting of stockholders. SECTION 8. There shall be an annual meeting of the stockholders of said company for the purpose of electing a board of directors and transacting such other business as may properly be brought before it, which meeting shall be held at such time and place as the by-laws may prescribe. Special meetings of the stockholders may from time to time be called and held pursuant to the provisions of the by-laws. At all stockholders' meetings each stockholder shall be entitled, in person or by proxy, to one vote for each share of stock held by such stockholder. At any stockholder's meeting, whether special or annual, subject to the provisions of the by-laws, any by-law or by-laws may be altered, amended or repealed, or any new by-law or by-laws adopted by a majority of all the votes cast. *Provided* that notice of the intention to alter, amend or repeal such by-laws or adopt such proposed new by-law or by-laws be given in the call for said stockholder's meeting. The by-laws shall prescribe the proportion of the stock of the company that shall constitute a quorum of stockholder's meetings, and all other things relating to the government of said company not specifically provided for in this act.

Time and place. Special meetings.

By-laws may be amended, etc.

Quorum.

Dividends. SECTION 9. That the board of directors may from time to time make and declare dividends of the net profits of the business of said company, or of such portion of such profits as said board may deem proper.

Condemnation of land. SECTION 10. Whenever it shall be deemed by the directors necessary to enter upon and occupy any lands, tenements or hereditaments for the use of said corporation, if the owner or owners of such lands, tenements or hereditaments be not known, or be under the age of twenty-one years, or if the directors and such owner or owners cannot agree upon

OF RAILROADS.

the compensation to be made therefor, the Superior Court for New Castle county in term time, or any judge of the same in vacation shall, upon application by the company, appoint five commissioners (who shall be freeholders) to go upon the premises, first giving notice of the time and place of their meeting to the president of the company, and to the owner or owners of the premises, if residing within the county, otherwise such notice shall be given to the tenant in possession or agent in charge of the premises. The commissioners, being sworn or affirmed to perform their duties with fidelity, shall assess fairly and impartially the damage of such owner or owners to be sustained by their premises being taken for the use of the company, taking into consideration all the advantages to be derived to the owner or owners by reason of said railway; and shall certify their proceedings, with their assessments, under the hands and seals of a majority of them, to the company; whereupon the said company, upon recording the same in the office for recording deeds in and for New Castle county, and paying to the owner or owners of the premises the damages assessed as aforesaid, or depositing the same to the credit of such owner or owners in the Farmers' Bank of the State of Delaware, at Wilmington, shall become entitled to hold, use and enjoy the said premises exclusively to it, its successors and assigns forever; *provided* that either party being dissatisfied with the damages so assessed may, on application to the Prothonotary of New Castle county within sixty days after such assessment shall have been recorded as aforesaid, sue out a writ of *ad quod damnum*, requiring the sheriff of said county, in the usual form, to inquire by twelve impartial men of his bailiwick, under oath of affirmation, of the damage aforesaid. The assessment of the jury duly made and returned by the sheriff [shall be final.] If increased damages are found by the jury, the increased amount shall be paid or deposited as before provided; and if the damages be reduced, the owner shall refund the amount diminished. The costs of the inquisition shall be paid by the unsuccessful party. The work of the said company shall not be delayed by such application for a writ of *ad quod damnum*, but upon payment or deposit, as hereinbefore provided, of the damages awarded by the commissioners, the title to the company to enter upon, use, occupy and enjoy the premises inquired of and to hold the same, to it, its successors and assigns, shall become vested and perfect.

Application
to Superior
Court or res-
ident judges.

Freeholders.
appointed.
Time and
place of
meeting.

Notice.

Oath of
commis-
sioners.
Duties.

Proceedings
to be re-
corded.

Payment of
damages.

Appeal.

Assessment
by jury final.

Costs.

Writ of ad
quod dam-
num not to
delay work.

OF RAILROADS.

Persons in-
juring prop-
erty liable
to company,
and guilty of
misde-
meanor.

SECTION 11. If any person or persons shall willfully damage or obstruct the said railway or any part thereof, or hinder or delay the building of the same, or damage any of the works or property of said company, such person or persons shall be liable to the company in a civil action for double the damages sustained, and shall moreover be guilty of a misdemeanor, and, on indictment and conviction thereof shall be fined not exceeding three hundred dollars, at the discretion of the court.

Penalty.

Public act.

SECTION 12. That this act shall be deemed and taken to be an act for public improvement, and is declared to be a public act, and the power to revoke, alter, or amend the same is hereby reserved to the legislature.

Passed at Dover, May 2, 1893.

CHAPTER 714.

OF RAILROADS.

AN ACT to incorporate the Dover and Camden Electric Railway Company.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

Commis-
sioners.

SECTION 1. That Samuel W. Hall, George A. Millington, Ezekiel T. Cooper, William Ellison, Alexander Jackson, Charles W. Lord, George M. Fisher, John Hunn, Jr., and Daniel M. Ridgely, be and they are hereby appointed commissioners to do and to perform the several things hereinafter mentioned, that is to say: they, or a majority of them, shall procure and cause to be opened, at such times and places and on such notice as they may deem proper, suitable books for subscriptions to the capital stock of "The Dover and Camden Electric Railway Company," and they shall permit all persons of lawful age to subscribe in said books in their own name, or in the name of any other person or company who

Duties.

Name.

OF RAILROADS.

may authorize the same, for any number of shares in the said stock.

SECTION 2. That the capital stock of said company shall be fifty thousand dollars, to be divided into five thousand shares of ten dollars each; *provided* that said company may, from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase the capital stock, if it shall be deemed necessary, to an amount sufficient to carry out the true intent and meaning of this act; *provided further* that the whole capital stock shall not, at any time, exceed two hundred and fifty thousand dollars; *and provided also* that the said company, for the purpose of completing and equipping the railways, shall have the power to borrow money, if the board of directors shall so determine, to an amount not exceeding fifty thousand dollars, and to secure the payment of the same by the issue of bonds, or of a bond and mortgage of the said railway, together with the corporate rights and franchises granted by this act, and annex to said bond, or bonds and mortgage, the privilege of converting the same into capital stock of the said company at par, at the option of the holders, with the concurrence and consent of the board of directors, if they shall signify their election one year before their maturity.

Capital stock.

Limit of capital stock.

Company may borrow money.

How secured.

Conversion of bonds into capital stock.

SECTION 3. That when and as soon as one thousand shares of capital stock in said company shall be subscribed as aforesaid, the subscribers to the said stock, their successors and assigns, shall be and they are hereby declared to be incorporated by the name and title of the "Dover and Camden Electric Railway Company," and by the said name the subscribers shall have perpetual succession, and be able to sue and be sued, plead and be impleaded in all courts of record here and elsewhere, and to purchase, receive, have, hold and enjoy to them and their successors real and personal estate of every kind whatsoever, and the same to grant, mortgage, sell, alien and dispose of and declare dividends of such proportion of the profits of the company as they may deem proper; also to make and have a common seal, and the same to alter and renew at pleasure; and also to make, ordain and establish by-laws and regulations for the government of the said corporation not inconsistent with the constitution or laws of the United States or of this State, and generally to do all and singular the matters and things which to them shall lawfully appertain to do for the well being and ordering of the same.

When a corporation.

Corporate title.

Corporate powers.

By-laws.

OF RAILROADS.

Meeting of subscribers to stock. **SECTION 4.** That as soon as one thousand shares shall be subscribed as aforesaid, the said commissioners, after giving at least ten days notice thereof, in two or more newspapers, published in this State, shall call a meeting of the said subscribers, in the town of Dover, to organize the said company by the choice and appointment of officers as hereinafter mentioned, and said meeting shall be held at such time as shall be appointed in said notice.

Notice.

Place.

Time.

Commissioners to control until regular election. **SECTION 5.** That the management and control of said company shall be vested in the persons chosen by the subscribers to the capital stock at their first meeting until the period herein fixed for the regular election of directors of said company, who shall choose from their number a president, a secretary and a treasurer, and that the stockholders of the said company shall meet annually on the first Monday in January, at such place as they shall determine upon, and elect seven directors for said company, all of whom shall be stockholders, who shall elect from their own number, as aforesaid, a president, a secretary and treasurer for said company.

Annual meeting of stockholders.

Directors to be elected.

Officers.

Notice. The notice of such an election for directors as aforesaid, and the manner of conducting the same, to be provided for in the by-laws of said company, and any vacancy in said board of directors may be supplied by appointments to be made by the board of directors until the next annual election; all elections shall be by ballot of the stockholders or their proxies, allowing one vote for each share which shall have been held in his or their name or names, at least thirty days before the time of voting. The board of directors for the time being shall have power to take from any treasurer or secretary, or other officer or agent appointed by them, such security for the faithful performance of their respective duties as they may deem proper.

Vacancies; how filled.

Election by ballot.

Present Board of Directors may take bond from officers.

Powers. **SECTION 6.** That "The Dover and Camden Electric Railway Company" shall have power and they are hereby authorized to locate, construct and operate a railway from a point at or near the grounds of "The Delaware State Fair Association," in East Dover hundred, Kent county, Delaware; thence running through the town of Dover by public streets or roads; thence through East Dover and North Murderkill hundreds, by or near the grounds of the Camden Union Camp Meeting Association, into and through the town of Camden; thence into and at some terminal point in the town of Wyoming.

OF RAILROADS.

The said company shall have power to cross all county bridges, *provided* they shall not interfere with public travel and public traffic; *and provided also* that the said company shall not materially affect or damage the present grade of any public road or street; *and it is likewise further expressly provided* that if the railroad to be constructed under authority of this act shall be so located as to cross any railroad track now constructed or existing which is owned or operated by any railroad company using steam as a motive power, such crossing shall not be at grade, but shall be by either an overhead or undergrade crossing, which, if undergrade, shall be so located and constructed as not to disturb the roadbed so intersected, or, if overhead, shall be at such an elevation as not to impede or interfere with the free and safe passage of engines and trains on the roads so crossed; *and provided further* that before said company can occupy any streets, lanes or alleys in any of the towns of Dover, Camden, or Wyoming, or any public bridges in Kent county, the consent of the authorities having jurisdiction over the same must first be obtained.

Crossing of
steam rail-
way not to
be at grade.

The said railway shall be used as a passenger railway, and the motive power of railway shall be by electricity.

SECTION 7. That the said company shall be and they are hereby authorized to contract for, purchase and hold all such lands as the directors of the said company shall deem necessary for the purposes of the said railway, and in case such land as may be necessary for the location and use of such railway cannot be obtained by purchase, the company may apply to the Superior Court, or any judge thereof residing in Kent county, in vacation, by petition, first giving the other party five days notice in writing of such application, the said notice to be served personally, if the party resides in the State, or, in case of non-residents, to be served upon the tenant residing upon the land proposed to be taken.

May pur-
chase and
hold land.

Petition for
condemna-
tion of land.

Notice: how
served.

The said court or judge shall appoint five judicious and impartial freeholders to view the premises which the said company may require for the use and construction of the said railway, and assess the damages, if any, that the owner or owners thereof will sustain by reason of said railway passing through the same.

Court or
judge to
appoint
freeholders.

The said freeholders shall be sworn before some judge faithfully and impartially to perform the duties imposed upon them; they shall give ten days written notice to the owners of the property, to be served as heretofore provided,

Duties of
freeholders.

OF RAILROADS.

Meeting of
subscribers
to stock.

Notice.

Place.

Time.

Commis-
sioners to
control until
regular
election.

Annual
meeting of
stockholders

Directors to
be elected.

Officers.

Notice.

Vacancies;
how filled.

Election by
ballot.

Present
Board of
Directors
may take
bond from
officers.

Powers.

SECTION 4. That as soon as one thousand shares shall be subscribed as aforesaid, the said commissioners, after giving at least ten days notice thereof, in two or more newspapers, published in this State, shall call a meeting of the said subscribers, in the town of Dover, to organize the said company by the choice and appointment of officers as hereinafter mentioned, and said meeting shall be held at such time as shall be appointed in said notice.

SECTION 5. That the management and control of said company shall be vested in the persons chosen by the subscribers to the capital stock at their first meeting until the period herein fixed for the regular election of directors of said company, who shall choose from their number a president, a secretary and a treasurer, and that the stockholders of the said company shall meet annually on the first Monday in January, at such place as they shall determine upon, and elect seven directors for said company, all of whom shall be stockholders, who shall elect from their own number, as aforesaid, a president, a secretary and treasurer for said company.

The notice of such an election for directors as aforesaid, and the manner of conducting the same, to be provided for in the by-laws of said company, and any vacancy in said board of directors may be supplied by appointments to be made by the board of directors until the next annual election; all elections shall be by ballot of the stockholders or their proxies, allowing one vote for each share which shall have been held in his or their name or names, at least thirty days before the time of voting. The board of directors for the time being shall have power to take from any treasurer or secretary, or other officer or agent appointed by them, such security for the faithful performance of their respective duties as they may deem proper.

SECTION 6. That "The Dover and Camden Electric Railway Company" shall have power and they are hereby authorized to locate, construct and operate a railway from a point at or near the grounds of "The Delaware State Fair Association," in East Dover hundred, Kent county, Delaware; thence running through the town of Dover by public streets or roads; thence through East Dover and North Murderkill hundreds, by or near the grounds of the Camden Union Camp Meeting Association, into and through the town of Camden; thence into and at some terminal point in the town of Wyoming.

OF RAILROADS.

The said company shall have power to cross all county bridges, *provided* they shall not interfere with public travel and public traffic; *and provided also* that the said company shall not materially affect or damage the present grade of any public road or street; *and it is likewise further expressly provided* that if the railroad to be constructed under authority of this act shall be so located as to cross any railroad track now constructed or existing which is owned or operated by any railroad company using steam as a motive power, such crossing shall not be at grade, but shall be by either an overhead or undergrade crossing, which, if undergrade, shall be so located and constructed as not to disturb the roadbed so intersected, or, if overhead, shall be at such an elevation as not to impede or interfere with the free and safe passage of engines and trains on the roads so crossed; *and provided further* that before said company can occupy any streets, lanes or alleys in any of the towns of Dover, Camden, or Wyoming, or any public bridges in Kent county, the consent of the authorities having jurisdiction over the same must first be obtained.

Crossing of
steam rail-
way not to
be at grade.

The said railway shall be used as a passenger railway, and the motive power of railway shall be by electricity.

SECTION 7. That the said company shall be and they are hereby authorized to contract for, purchase and hold all such lands as the directors of the said company shall deem necessary for the purposes of the said railway, and in case such land as may be necessary for the location and use of such railway cannot be obtained by purchase, the company may apply to the Superior Court, or any judge thereof residing in Kent county, in vacation, by petition, first giving the other party five days notice in writing of such application, the said notice to be served personally, if the party resides in the State, or, in case of non-residents, to be served upon the tenant residing upon the land proposed to be taken.

May pur-
chase and
hold land.

Petition for
condemna-
tion of land.

Notice, how
served.

The said court or judge shall appoint five judicious and impartial freeholders to view the premises which the said company may require for the use and construction of the said railway, and assess the damages, if any, that the owner or owners thereof will sustain by reason of said railway passing through the same.

Court or
judge to
appoint
freeholders.

The said freeholders shall be sworn before some judge faithfully and impartially to perform the duties imposed upon them; they shall give ten days written notice to the owners of the property, to be served as heretofore provided,

Duties of
freeholders.

OF RAILROADS.

Court may confirm report or refer back or appoint new freeholders.

and to the president of the company, of the time of their meeting for the discharge of their duty, which meeting shall be held on the land required for the use of said railway; and they shall make a report in writing under their hands, or the hands of a majority of them, to the term of the Superior Court of Kent county next after their appointment, and the said Superior Court may either confirm the said report, or, on good and sufficient reasons, refer the matter back to the same persons, or appoint five other judicious and impartial freeholders to perform the said duty in the manner aforesaid.

Upon payment of damages land to vest in company.

When judgment or confirmation is rendered by the said court, on any report made as aforesaid, and upon the payment by the said company of the amount of damages assessed to the owner or owners of said property, or upon the payment of the same into court for his or their use, whether the said owners or any of them be or be not under any of the disabilities of infancy, coverture, or incompetency of mind, or be in or out of the State, the title to the land and premises mentioned in the said report shall be absolutely vested in the said company, their successors and assigns.

Fees

The fees of the commissioners shall be three dollars per day of actual service; and the fees of the prothonotary on any such proceeding shall be determined by the court; all of which fees shall be paid by the company.

By whom paid.

Certificates of stock to be issued to owners thereof.

SECTION 8. The aforesaid company shall procure certificates of stock for all the shares of said company, and shall deliver one such certificate, signed by the president and secretary, and sealed with the common seal of the said corporation, to each person for such share or shares of stock as by him or her are respectively owned, which certificate of stock shall be transferable at his or her pleasure, in person or by attorney duly authorized, in the presence of the president, or secretary, or treasurer, in a book to be kept by said corporation for that purpose.

Same transferable.

How.

Dividends.

SECTION 9. The board of directors of said company shall declare dividends of so much of the net profits of the company as shall appear to them to be advisable on the first Monday in January and July of each year, which shall be paid to the stockholders on demand within thirty days after the same shall have been declared.

OF RAILROADS.

SECTION 10. That if at any time an election of officers of said company should [not] be held and had pursuant to the provisions and appointments of this act the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold and have such election at any time afterwards, on giving ten days notice thereof, in two newspapers published in the town of Dover, of the time and place of holding such election.

Failure to hold election not to dissolve corporation.
Election at any time.
Notice, etc.

SECTION 11. That said corporation shall have the power to establish an electric plant in the towns of Camden and Wyoming to generate electricity for lighting public and private property, and shall have all the powers incident thereto, and they shall also have the power of erecting poles in the streets of the said towns of Camden and Wyoming, the same to be under the control of the local authorities, for the purpose of conducting said business.

May establish electric plant in Camden and Wyoming.
Under control of local authorities.

SECTION 12. That this shall be deemed and taken to be a public act, and the right to alter, amend or revoke the same is hereby reserved to the legislature.

Public act.

SECTION 13. It shall be the duty of the said corporation to locate and commence the construction of the railway authorized under the provisions of this act on or before the first day of January A. D. one thousand eight hundred and ninety-four, and such railway shall be fully constructed, equipped and operated by the first day of January A. D. one thousand eight hundred and ninety-six, otherwise this act shall become void, and all the rights, privileges and franchises hereby granted shall on the day last aforesaid wholly cease and determine.

Time for beginning and completion of construction

Passed at Dover, May 3, 1893.

OF RAILROADS.

CHAPTER 715.

OF RAILROADS.

AN ACT to incorporate the Chester and Wilmington Electric Railway Company.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

Commis-
sioners.

SECTION 1. That James C. McComb, William A. C. Hardcastle, John B. Robinson, J. Clayton Erb, William G. Hill, Peter J. Hughes, Richard R. Kenney, Garrett J. Hart, and Ezekiel T. Cooper be and they are hereby appointed commissioners to do and perform the several things herein-after mentioned, that is to say: they, or a majority of them, shall procure and cause to be opened, at such time and places and on such notice as they may deem proper, suitable books for subscription to the capital stock of the Chester and Wilmington Electric Railway Company, and they shall permit all persons of lawful age to subscribe in said books in their own names, or in the name of any other person or company who may authorize the same, for any number of shares in the said stock.

Subscription
of stock.

Capital
stock.

SECTION 2. That the capital stock of said company shall be fifty thousand dollars, to be divided into five thousand shares of ten dollars each; *provided* that said company may, from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase the capital stock, if it shall be deemed necessary, to an amount sufficient to carry out the true intent and meaning of this act; *provided further*, that the whole capital stock shall not, at any time, exceed two hundred and fifty thousand dollars; *and provided also* that the said company, for the purpose of completing and equipping the railways, shall have the power to borrow money, if the board of directors shall so determine, to an amount not exceeding the amount of fifty thousand dollars, and to secure the payment of the same by the issue of bonds, or of a bond and mortgage of the said railways, together with the corporate rights and franchises granted by this act, and annex to said bonds, or bond and mortgage, the privilege of converting the same into capital stock of the

May borrow
money.

OF RAILROADS.

said company at par, at the option of the holders, with the concurrence and consent of the board of directors, if they shall signify their election one year before their maturity.

SECTION 3. That when and as soon as one thousand shares of capital stock in said company shall be subscribed as aforesaid, the subscribers to the said stock, their successors and assigns, shall be and they are hereby declared to be incorporated by the name and title of "The Chester and Wilmington Electric Railway Company," and by the said name the subscribers shall have succession for a period not exceeding twenty years from and after the passage of this act, and be able to sue and be sued, plead and be impleaded in all courts of record here and elsewhere, and to purchase, receive, have, hold and enjoy to them and their successors real and personal estate of every kind whatsoever, and the same to grant, mortgage, sell, alien and dispose of, and declare dividends of such proportion of the profits of the company as they may deem proper; also to make and have a common seal, and the same to alter and renew at pleasure; and also to make, ordain and establish by-laws and regulations for the government of the said corporation not inconsistent with the constitution or laws of the United States or of this State, and generally to do all and singular the matters and things which to them shall lawfully appertain to do for the well being and ordering of the same.

SECTION 4. That as soon as one thousand shares shall be subscribed as aforesaid, the said commissioners, after giving at least ten days notice thereof in two or more newspapers published in this State, shall call a meeting of the said subscribers in the city of Wilmington, to organize the said company by the choice and appointment of officers, as hereinafter mentioned, and said meeting shall be held at such time as shall be appointed in said notice.

SECTION 5. That the management and control of said company shall be vested in the persons chosen by the subscribers to the capital stock, at their first meeting, until the period herein fixed for the regular election of directors of said company, who shall choose from their number a president, and a secretary and a treasurer; and that the stockholders of said company shall meet annually, on the first Monday in January, at such place as they shall determine upon, and elect seven directors for said company, all of whom shall

OF RAILROADS.

Election of officers. be stockholders, who shall elect from their number, as aforesaid, a president, a secretary, and a treasurer for said company. The notice of such an election for directors as aforesaid, and the manner of conducting the same, to be provided for in the by-laws of said company, and any vacancy in said board of directors may be supplied by appointments to be made by the board of directors until the next annual election. All elections shall be by ballot of the stockholders, or their proxies, allowing one vote for each share which shall have been held in his or their names at least thirty days before the time of voting. The board of directors for the time being shall have power to take from any treasurer, or secretary, or other officer or agent appointed by them, such security for the faithful performance of their respective duties as they may deem proper.

Vacancies.

Elections by ballot.

Official bond.

Location of road. SECTION 6. That the Chester and Wilmington Electric Railroad Company shall have power and they are hereby authorized to locate, construct and operate a railway from a point on the line which divides the states of Pennsylvania and Delaware, beginning at or near Claymont; thence running through Brandywine hundred by public roads or pikes, or otherwise, as may be directed by the directors of the said company, to Shellpot creek, where the same is crossed by the Wilmington and Philadelphia turnpike, in said hundred, which point shall be the terminus of the said road. The said Chester and Wilmington Electric Railway Company shall have the right to make an extension or branch of its road from any point on its main line to any point on the said line dividing the states of Pennsylvania and Delaware, in said Brandywine hundred; and said company shall have power to cross all county bridges provided they shall not interfere with public travel and public traffic; and *provided also* that the said company shall not materially affect or damage the present grade of any public road or pike; and it is likewise *further expressly provided*, that if the railroad to be constructed under authority of this act shall be so located as to cross any railroad track, constructed or existing at the time of the passage of this act, which is owned or operated by any railroad company using steam as a motive power, such crossing shall not be at grade, but shall be by either an overhead or undergrade crossing, which, if undergrade, shall be so located and constructed as not to disturb the roadbed so intersected; or, if overhead, shall be at such elevation as not to impede or interfere with the free and safe

Crossing overhead or under grade.

OF RAILROADS.

passage of engines and trains on the road so crossed; *provided* that before the said Chester and Wilmington Electric Railway Company shall locate or use any portion of any turnpike road they shall first make satisfactory arrangements as to location, compensation and indemnity with the corporation or board of managers owning or controlling the said turnpike road, and in the event of the said Chester and Wilmington Electric Railway Company not being able to agree with the said corporation or board of managers owning or controlling the turnpike road, then it shall be lawful for the said railway company to apply to the Superior Court, or any judge thereof, to appoint commissioners to go upon said turnpike road and condemn the proposed right of way, as provided in Section 7 of this act.

Not to interfere with road crossed

SECTION 7. That the company shall be and they are hereby authorized to contract for, purchase and hold all such lands as the directors of the said company shall deem necessary for the purpose of said railway, and in case such land [as] may be necessary for the location and use of such railway cannot be obtained by purchase, the company may apply to the Superior Court, or any judge thereof residing in New Castle county, in vacation, by petition, first giving the other party five days notice, in writing, of such application; the said notice to be served personally if the party resides in the State, or, in case of non-residents, to be served upon the tenant residing upon the land proposed to be taken. And the said court or judge shall appoint five judicious and impartial freeholders to view the premises which said company may require for the use and construction of the said railway, and assess the damages, if any, that the owner or owners thereof will sustain by reason of said railway passing through the same. The said freeholders shall be sworn before some judge, faithfully and impartially to perform the duties imposed upon them. They shall give ten days written notice to the owners of the property, to be served as heretofore provided, and to the president of the company, of the time of their meeting for the discharge of their duty, which meeting shall be held on the land required for the use of said railway, and they shall make report in writing, under their hands or the hands of a majority of them to the term of the Superior Court of New Castle county next after their appointment, and the said Superior Court may either confirm the said report, or on good and sufficient reasons refer the matter back to the same persons, or appoint five other judicious and im-

May purchase land.

Petition to resident judge.

Freeholders appointed to view premises, etc.

Notice to parties in interest.

Place of meeting. Report.

Court may confirm report or refer back, or appoint other freeholders.

OF RAILROADS.

partial freeholders to perform the said duty in the manner aforesaid. When judgment or confirmation is rendered by the said court on any report made as aforesaid, and upon the payment by the said company of the amount of damages assessed to the owner or owners of said property, or upon the payment of the same into court for his or their use, whether the said owners, or any of them, be or be not under any of the disabilities of infancy, coverture, or incompetency of mind, or be in or out of the State, the title to the land and premises mentioned in the said report shall be absolutely vested in the said company, their successors and assigns. The fees of the commissioners shall be three dollars per day of actual service, and the fees of the prothonotary on any such proceedings shall be determined by the court, all of which fees shall be paid by the company.

After confir-
mation land
to vest in
company.

Fees of com-
missioners
and others.

Object.
Motive
power.

SECTION 8. That the said railway shall be used as a passenger railway, and the motive power of said railway shall be by electricity; and the building of said road shall commence within six months after the passage of this act, and be completed, equipped and operated within two years therefrom, otherwise this charter and the rights and privileges herein conferred shall wholly cease and determine.

Certificates
of stock.

SECTION 9. The aforesaid company shall procure certificates of stock for all the shares of said company and shall deliver one such certificate, signed by the president and secretary, and sealed with the common seal of the said corporation, to each person for such share or shares of stock, as by him or her are respectively owned, which certificate of stock shall be transferable at his or her pleasure, in person or by attorney duly authorized, in the presence of the president, or secretary, or treasurer, in a book to be kept by the said corporation for that purpose.

Dividends.

When
declared.

SECTION 10. The board of directors of said company shall declare dividends of so much of the net profits of the company as shall appear to them to be advisable, on the first Monday in January and July of each year, which shall be paid to the stockholders on demand within thirty days after the same shall have been declared.

Failure to
hold election
not to dis-
solve corpo-
ration.

SECTION 11. That if at any time an election of officers of said company should not be held and had pursuant to the provisions and appointments of this act, the corporation shall not for that cause be deemed to be dissolved, but it shall

OF RAILROADS.

be lawful to hold and have such election at any time after-
wards on giving ten days notice thereof in two newspapers,
published in the city of Wilmington, of the time and place
of holding such election. Election at
other time.

SECTION 12. That this act shall be deemed and taken to
be a public act, and the right to alter, amend or revoke the
same is hereby reserved to the Legislature.

Passed at Dover, May 3, 1893.

CHAPTER 716.

OF RAILROADS.

AN ACT to amend "An act to incorporate the Odessa and Middletown
Narrow Gauge Railway," passed at Dover, April 8, 1873, and amended
January 30th, 1889.

*Be it enacted by the Senate and House of Representatives
of the State of Delaware in General Assembly met (two-
thirds of each branch of the legislature concurring):*

SECTION 1. That in Section two substitute the words
"twenty thousand dollars per mile" in place of the words
"fifty thousand dollars;" and at the end of said Section nine,
after the words "public convenience," add the words: "and
this company shall have the right to erect poles and wires
along their railroad to enable them to use electricity."
Amend-
ments.
Company
may erect
poles and
wires.

Passed at Dover, May 3, 1893.

OF RAILROADS.

CHAPTER 717.

OF RAILROADS.

AN ACT to incorporate the New Castle, Newport and Wilmington Passenger Railway Company.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

Commissioners.

SECTION 1. That Stephen P. M. Tasker, Edward Mendenhall, Joseph H. Gould, David W. Elkinton, John A. Cranston, Samuel A. McDaniel, Hiram R. Borie, W. Atwood Weldin, Winfield S. Quigley and Thomas Holcomb be and they are hereby appointed commissioners to do and perform the several things hereinafter mentioned, that is to say: They, or a majority of them, shall procure and cause to be opened, at such times and places, and on such notice as they may deem proper, suitable books for subscriptions to the capital stock of the New Castle, Newport and Wilmington Passenger Railway Company, and they shall permit all persons of lawful age to subscribe in said books in their own names, or in the name of any other person or company, who may authorize the same, for any number of shares in the said stock. If any commissioner above named shall decline to perform the duties herein prescribed, the remaining commissioners may, if they deem it expedient, appoint another person to act in his place.

Shall open books for subscriptions.

Vacancies in commission; how filled.

Capital stock.

SECTION 2. That the capital stock of said company shall be fifty thousand dollars, to be divided into two thousand shares of twenty-five dollars each: *Provided*, that the said company may, from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase the capital stock to any amount that shall not exceed two hundred thousand dollars: *and provided also*, that the said company, for the purpose of completing and equipping their railway, shall have the power of issuing bonds, if the board of directors shall so determine, to an amount not exceeding two hundred thousand dollars, and bearing interest at a rate not exceeding six per cent. per annum, and to secure the payment of the same by the execution of a mortgage of the said railway, together with the corporate rights and franchises granted by

Limit of increase of capital stock.

Company may issue bonds.

Interest.

Mortgage.

OF RAILROADS.

this act, and to annex to the said bonds the privilege of converting the same into capital stock of the said company at par, at the option of the holders thereof.

Conversion of bonds into capital stock.

SECTION 3. That when and as soon as four hundred shares of the capital stock in the said company shall be subscribed as aforesaid, and ten per cent. of the amount of the stock so subscribed paid to the commissioners, the subscribers to the said stock, their successors and assigns, shall be and they are hereby declared to be incorporated by the name and title of the "New Castle, Newport and Wilmington Passenger Railway Company," and by that name shall have succession, and be able to sue and be sued, plead and be impleaded, in all courts of law and equity, and to purchase, receive, have, hold, and enjoy to them and their successors, real and personal estate of every kind whatsoever, and the same to grant, mortgage, sell, alien, and dispose of, and to declare dividends of such proportions of the profits of the company as they may deem proper; also, to have and make a common seal, and the same to alter and renew at pleasure, and also to make and ordain by-laws and regulations for the government of the said corporation, not inconsistent with the constitution and laws of the United States or of this State, and generally to exercise and enjoy all the powers, rights and franchises incident to a corporation, except banking powers.

When company to be a corporation.

Corporate title.

Corporate powers.

SECTION 4. That the commissioners aforesaid, as soon as conveniently may be after four hundred shares shall be subscribed as aforesaid, shall, after giving ten days' notice by advertisements in two newspapers published in the city of Wilmington or the city of New Castle, call a meeting of the said subscribers to organize the said company by the election of seven directors, who shall thereupon be invested with the control and management of said company, and continue in office until the Tuesday next after the first Monday in January next thereafter, and until their successors shall be chosen as hereinafter provided. The stockholders of said company shall meet annually on the Tuesday next after the first Monday in January, in the city of Wilmington, and elect by ballot and by a majority of votes, seven directors, who shall be stockholders, to continue in office until the next annual meeting and until successors shall be duly chosen. A failure to elect directors shall not dissolve the corporation. Vacancies in the board may be filled by the other directors.

Meeting of subscribers to organize.

Annual meeting of stockholders: when and where to be held.

Election of directors.

Failure to elect directors not to dissolve corporation.

OF RAILROADS.

Voting.

In all elections by stockholders, each share of stock shall entitle the holder to one vote, and votes may be cast either in person or by proxy.

Business to be managed by directors.

Quorum.

May elect and appoint officers and agents and take security

Payment of stock subscriptions.

Dividends.

SECTION 5. That the affairs and business of the corporation shall be managed by the directors, four of whom shall constitute a quorum, and a majority of those present at a meeting shall determine any question. They shall elect one of their number president, and may appoint a secretary and treasurer, and employ such other officers, agents and servants as they may deem necessary, fix their compensation and take security by bond or otherwise for the faithful performance of their duties. They may call for the payment of the stock subscribed at such times and in such installments as they shall deem expedient, giving public notice of such call by advertisement published for at least two weeks in two newspapers of the city of Wilmington. The directors shall declare dividends of so much of the net profits of the company as shall appear to them advisable, in the months of January and July in each year, which shall be paid to the stockholders, on demand, ten days after the same shall have been declared.

Failure to pay installments on subscriptions.

Proceedings in event of failure to pay.

SECTION 6. That if any subscriber to or holder of the capital stock shall refuse or neglect to pay any installment on the stock subscribed for or held by him or her for thirty days after the time appointed for the payment thereof, and notice given of the same as aforesaid, the directors may either declare such stock forfeited and sell the same for the benefit of the corporation, or may, in the name of the corporation, sue for and recover from such delinquent subscriber or holder the sum remaining unpaid, with costs and interest thereon, and no holder of such stock shall, during the time any installment shall be due and unpaid, be entitled to vote at any meeting of the stockholders or to receive any dividends on the stock.

Certificate of stock to be delivered to stockholder.

How transferable

SECTION 7. That the company shall procure certificates of stock and shall deliver one such certificate, signed by the president and secretary, and sealed with the corporate seal, to each person for such share or shares of stock as by him or her are respectively owned, which certificate of stock shall be transferable at his or her pleasure in person or by attorney duly authorized, in the presence of the president, or treasurer and secretary, in a book to be kept for that purpose.

OF RAILROADS.

SECTION 8. That the said company be and they are hereby authorized to locate and construct a railway from any point at or within the city of New Castle, through or near the town of Newport, to the boundary line of the city of Wilmington at Maryland avenue, or to the track of the Wilmington City Railway Company on said avenue, which shall be the terminus of said railway; and for locating, constructing, operating and maintaining the said railway, the company shall have power to use and occupy any county bridge and so much of any street, avenue, public road or turnpike within the city of New Castle and the hundreds of New Castle and Christiana, as may be necessary; or, if deemed expedient by the directors, may use and occupy any land other than a public road, the title to such land being first acquired as hereinafter directed: *provided*, that in occupying the streets of the city of New Castle, the consent of the council or other authority having charge of the streets of the said city shall first be obtained so to do; and *provided also*, that the said railway shall be conformed, as near as may be, to the grade which now or hereafter may be established for any street over which the same may be located, and so as not to injure or obstruct the public roads aforesaid; and the said company shall be required to pave and keep the pavements in the streets in good repair within the rails of their tracks and for the distance of three feet on each side thereof, and shall not interfere with the proper and free access to the culverts, water and gas pipes in the said city. The said company hereby incorporated shall not lay its tracks at grade across any steam railroad, now or hereafter to be constructed in New Castle county, but shall cross the same either by overhead crossing or by crossing under such road, in neither case so as to interfere with the free use and passage of the engines and cars of such steam railroad. The company may employ upon the railway electric or such other motive power (except steam) as may seem to them best adapted to their purposes and to the public convenience. The company shall erect and maintain a lawful fence on both sides of its line where the same shall pass through private property. Before however the said company shall use or occupy or begin to lay its tracks or construct its road on any of the public roads, turnpikes, or highways, or crossing of the public bridges of New Castle county, it shall obtain permission therefor and the consent thereto of the Levy Court of New Castle county.

Company
authorized
to construct
railway.

Location of
railway.

Company
may occupy
bridge, road
or turnpike.

May use
other land
than public
road.

Proviso.

Consent of
City Coun-
cil.

Railway to
conform to
street grade.

Company
shall keep
streets in
repair.

Not to inter-
fere with
culverts,
pipes, etc.

Not to inter-
fere with
use of tracks
of other
railroads.

Motive
power.

Shall main-
tain fence.

Consent of
authorities.
to be first
obtained.

OF RAILROADS.

Persons liable to company for damaging property.

Misdemeanor.
Fine.

Lands for purposes of company: how to be obtained

Proceedings for condemnation.

Dissatisfied party may sue out writ of "ad quod damnum."

SECTION 9. That if any person or persons shall willfully and intentionally damage or obstruct the said railway or any part thereof, or any of the works and property of said company, they shall be liable to the company in a civil action for double the damages sustained, and shall moreover be guilty of a misdemeanor, and on indictment and conviction shall be fined not exceeding three hundred dollars, at the discretion of the court.

SECTION 10. That the said company shall have power to survey, locate and purchase such lands and rights of way within the limits of New Castle county as said company may deem necessary for their purposes, and in case said company shall be unable to agree with the owner or owners (whether by reason of the minority of such owner or owners, or otherwise), for the purchase of such lands or rights of way as may be required for the purposes of this act, the Superior Court of New Castle county in term time, or any judge of the same in vacation, shall, upon application by the company, appoint five commissioners, who shall be freeholders of New Castle county, to view the premises and assess the damages which the said owner or owners shall sustain by reason of the taking of said lands and rights of way for the use of said company. Before entering upon the premises, the said freeholders shall be sworn or affirmed before some judge, justice of the peace, or notary public, faithfully and impartially to perform the duty assigned them, and they shall give five days written notice to the occupant or owner of said premises, if within this State, and the same notice to the president of said company, of the time of their meeting upon the premises for the discharge of their duty; and the said freeholders, or a majority of them, shall certify their finding and award to both parties. Whereupon, the said company, on paying the damages so assessed, or depositing the same in the Farmers' Bank of the State of Delaware, at New Castle, to the credit of said owner or owners, shall become entitled to have, use and enjoy the said lands and rights of way for the purposes of said company forever; *provided* that either party, being dissatisfied with the damages so assessed, may, on application to the Prothonotary of New Castle county, within ninety days after such assessment shall have been certified as aforesaid, sue out a writ of *ad quod damnum*, requiring the sheriff of said county, in the usual form, to inquire by twelve impartial men of his bailiwick, under oath or affirmation, of the damages aforesaid. The assessment of the jury duly made and returned by the

OF RAILROADS.

sheriff shall be final. If increased damages are found by the jury, the increased amount shall be paid or deposited by the company as before provided; and if the damages be reduced the owner shall refund the amount diminished. The costs of the inquisition shall be paid by the unsuccessful party, and costs of the commissioners shall be paid by the company. The fee of a commissioner shall be one dollar per day, and of a juror one dollar and fifty cents. The works of said company shall not be delayed by such application for a writ of *ad quod damnum*, but upon payment or deposit as hereinbefore provided of the damages awarded by commissioners, the title of the company to enter upon, use, occupy and enjoy the premises inquired of, and to hold the same to its successors and assigns, shall become vested and perfect.

Assessment
of jury, finalPayment of
damages.
Costs.Fees of com-
missioners
and jury.Works not
to be de-
layed by ap-
plication for
writ.

SECTION 11. That it shall be the duty of said corporation to locate and commence the construction of the railway authorized under the provisions of this act on or before the first day of January, A. D. one thousand eight hundred and ninety-four, and such railway shall be fully constructed and operated by the first day of January, A. D. one thousand eight hundred and ninety-five, otherwise this act shall become void, and all the rights, privileges and franchises hereby granted shall on the day last aforesaid wholly cease and determine.

Time of
beginning
construction
of road.Time of
completion.Otherwise
act shall
become void

SECTION 12. That this act shall be deemed and taken to be a public act, and power to revoke, alter or amend the same is hereby expressly reserved to the legislature.

Public act.

Passed at Dover, May 4, 1893.

OF CORPORATIONS.

CHAPTER 718.

OF CORPORATIONS.

AN ACT to revive, restore, renew and re-enact an act in reference to the Water Witch Steam Fire Engine Company, No. 5, of Wilmington, Delaware, passed March 25, 1881.

Preamble.

WHEREAS "The Water Witch Steam Fire Engine Company, No. 5, of Wilmington, Delaware," did, some time in the year 1885, go out of active service as a fire company in the city of Wilmington, and did sell and dispose of all the real and personal property of which the said corporation was seized and possessed; AND WHEREAS it is the object and desire of the members of said corporation to reënter active service as a fire company, and enjoy all the rights and privileges granted to and vested in said corporation; AND WHEREAS by reason of the lapse of time in which said corporation was out of service, as aforesaid, the right of the members of the said company to again go into operation and service, and to take and hold real and personal estate, has been disputed and questioned, and it is the true intent and meaning of the legislature, as well as the intent and meaning of this act, to give the corporation hereinafter revived, restored, renewed and reincorporated full and absolute power and authority to take and hold the real and personal property since acquired and now held by said corporation, as well as any and all property, real and personal, which it may hereafter acquire or become possessed of in any manner whatever; therefore,

Further preamble.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof therein concurring):

Chap. 306,
Vol. 8, and
Chap. 514,
Vol. 16, re-
enacted.

SECTION 1. That Chapter 306, Volume 8, and Chapter 514, Volume 16, Laws of Delaware, be and the same is hereby revived, restored, renewed, reënacted and continued in full force and virtue for the period of twenty years from the passage hereof, and the corporation hereby revived, restored and renewed shall have the same effect in law that it might or could have had at any time heretofore, and shall have full power and authority to dispose of all property of said corporation remaining undisposed of or hereafter acquired.

Corporation
may dispose
of property.

OF CORPORATIONS.

SECTION 2. That the members of the corporation created by the act aforesaid are hereby declared to be members of the corporation hereby revived, restored, renewed and reincorporated, and the real and personal property of the corporation thereby created are hereby declared to be absolutely vested in the corporation hereby revived, restored, renewed and reincorporated, and may be disposed of by the same.

Property of the corporation vested in the corporation hereby revived.

SECTION 3. That the council of the city of Wilmington is hereby authorized and directed to pay to the said Water Witch Steam Fire Engine Company, No. 5, of Wilmington, Delaware, within thirty days after the passage of this act, the sum of fifteen hundred dollars (\$1,500), being the amount now appropriated semi-annually to the different fire companies of the city of Wilmington and paid in the month of March and September, and shall also pay to said corporation, in the month of September, A. D. 1893, and semi-annually thereafter, the same amount as shall be allowed and paid to each of the other fire companies of said city of Wilmington.

Council of Wilmington authorized to pay the company \$ 1500, and to pay the company a certain allowance semi-annually, thereafter.

SECTION 4. That this act, and the act hereby revived, restored, renewed, reënacted, continued and amended, shall be deemed and taken to be a public act, and the power to revoke, alter, or amend the same is hereby expressly reserved to the legislature.

Passed at Dover, April 12, 1893.

CHAPTER 719.

OF CORPORATIONS.

AN ACT to incorporate "The Humane Association of Delaware."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the legislature concurring therein):

SECTION 1. That Edward Bringham, William Canby, James L. DeYou, Harry T. Gause, Willard Hall Porter, Samuel Bancroft, jr., Washington Jones, William H. Swift,

Names of corporators.

OF CORPORATIONS.

Benjamin Nields, Charles B. Lore, Samuel K. Smith, Job H. Jackson, T. Gardner Littell, George T. Brown, George V. Massey, James R. Lofland, John B. Penington, William Saulsbury, John R. Nicholson, Charles McFee, James Ponder, Charles C. Stockley, Edward L. Martin, Hugh Martin, M. D., Annie Semple, Gertrude W. Nields, Sarah Bringhurst, Alice Johnston, and Ida M. Ball, and such other persons as are now or may hereafter be associated with them, shall be and they are now created a body politic and corporate by the name and style of "The Humane Association of Delaware," and they and their successors are hereby ordained and declared a body politic and corporate in fact and in law, and by the title aforesaid shall be able and capable in law to sue and be sued, plead and be impleaded in any courts of law or equity, in this State and elsewhere, in all manner of suits, complaints, pleas, causes, and demands whatsoever, with all the legal incidents of a corporation aggregate, except banking powers, including the right to use a common seal, the same at their pleasure to alter and renew, to receive legacies and donations, and to hold real estate not exceeding in value the sum of one hundred thousand dollars, and by the title aforesaid shall have continuance and succession for a term not exceeding twenty years from and after the passage of this act.

Corporate title.

Corporate powers.

Capital stock.

Term twenty years

Object of corporation. SECTION 2. The object of this association is to promote humane work throughout the State of Delaware by printing, publishing and distributing such literary matter as will best serve that object.

Duty of corporators to meet for organization. SECTION 3. It shall be the duty of the corporators whose names are mentioned in the first section of this act, or any ten of them, after due notice, published in a newspaper printed in the city of Wilmington, to meet together, elect a president, twenty-five vice-presidents, secretary, treasurer, and ten persons who shall constitute a board of managers, in whom shall be vested the control and management of the affairs of the said corporation, and the board of managers may appoint such other officers as may be necessary for the transaction of the business of the association.

Officers.

Board of managers may appoint other officers.

Annual meeting in January to be held at Wilmington. Time and place. SECTION 4. In the month of January of every subsequent year, an election for officers and managers of said association shall be held in the city of Wilmington at such time and place, and after such notice as the managers for the time being may deem proper, and the said officers and managers

OF CORPORATIONS.

shall continue to act until their successors have been duly elected; at all such elections every person who shall have been elected by the board of managers a member of the association, and who shall within one year have paid the annual dues as provided in the by-laws of this association, shall be entitled to give one vote. Qualifications of voters.

SECTION 5. The said association, for fixing the terms of admission of its members, for the government of the same, for electing its officers and members, and for the general regulation and management of its affairs, shall have power to form a code of by-laws, not inconsistent with the laws of this State or of the United States, which code, when formed and adopted at a regular meeting shall, until modified or rescinded, be equally binding as this act upon the association, its officers and members. Powers of corporation to enact by-laws.

SECTION 6. The principal office of the association shall be located in the City of Wilmington, with full power on the part of the association to establish and locate branches at any place or places within the boundaries of the State. Principal office to be in Wilmington. Branch offices.

SECTION 7. *And be it further enacted,* That this act shall be deemed and taken to be a public act, and the same shall be published with the other public acts of this legislature, and the power to revoke and amend the same is hereby reserved to the legislature.

Passed at Dover, April 19, 1893.

OF CORPORATIONS.

CHAPTER 720.

OF CORPORATIONS.

AN ACT to incorporate the Law and Order Society of Dover.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring therein):

Names of
corporators.

SECTION 1. That E. M. Stevenson, Watson Broadaway, Samuel Wharton, A. B. Moore, E. B. Louderbough, W. J. Benson, J. Alexander Fulton, John A. Nicholson, George M. Jones, Robert H. Van Dyke, Clarence D. Sypherd, William P. Godwin, James Kirk, Thomas O. Culbreth, William Denney, K. J. Jansen, Samuel B. Hancock, W. S. Bostic, John W. Hopkins, John W. Cartee, Thomas C. Dority, H. D. Learned, William T. McKee, Amos Hartman, G. O. Moore, G. W. Blizzard, W. H. Morris, J. S. Godwin, John McCoy, and such other persons as may hereafter become associated with them, be and they are hereby created a body politic and corporate by the name of "The Law and Order Society of Dover," and by that name and style may acquire and dispose of real and personal estate, sue and be sued, and in general do any and all things lawful to be done by a private corporation, except the exercise of banking powers.

Corporate
title.

Corporate
powers.

Officers.

Annual
meeting.

SECTION 2. The officers of the society shall be a president, two vice presidents, a corresponding secretary, a recording secretary, a treasurer, and such other officers and agents as the society may deem proper or necessary. The officers shall be elected annually at the first meeting in each year.

Object of
corporation.

Authority.

By-laws.

SECTION 3. The objects of the society shall be the promotion of good order, the enforcement of the laws, and the prevention and punishment of crime; and to accomplish these ends, the said society, its officers and agents, are hereby authorized to employ and use whatever lawful means may be necessary. The society may make and alter, from time to time, such rules and by-laws as they may deem proper, and not contrary to the laws of this State or of the United States.

SECTION 4. This act shall be deemed a public act.

Passed at Dover, April 21, 1893.

OF CORPORATIONS.

CHAPTER 721.

OF CORPORATIONS.

AN ACT to incorporate the Sanitarium Company, of Wilmington, Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring):

SECTION 1. Edward L. Hubbard, William A. Reynolds, Jesse G. Graham, John W. DeWitt, Cornelius E. Baird, W. N. Clark, John Wainwright, John M. Whitford, Jerome B. Bell, John C. Farra, George L. Hardesty, William A. La Motte, Philip B. Cabell, and their associates, be and they are hereby incorporated and made a body politic in law by the name and style of the "Sanitarium Company of Wilmington, Delaware," and by that name shall have succession for twenty years, and shall be capable in law to sue and be sued, plead and be impleaded in all courts of record and elsewhere; and shall have power and authority to make and use a common seal, and to alter and change the same at their pleasure; and shall be competent and capable in law and equity to take and to hold to them and their successors, for the use of said corporation, lands, tenements, hereditaments, goods, chattels, rights, interests and effects of any kind, nature or quality whatsoever, by gift, grant, bargain, sale, conveyance, assurance, devise, or bequest from any person or persons capable of making the same, and the same from time to time to grant, bargain, sell, demise, lease, alien, and dispose of for the use of the said corporation; and shall have power to purchase or erect such building or buildings as may be necessary for the purposes of said corporation; to ordain by-laws for the government of said company not repugnant to the constitution or laws of this State or of the United States; and shall have power to make all such contracts and do all and singular the matters and things necessary, expedient, proper or lawful to be made or done for the well being of said company, the accomplishment of its objects, and the due management and well ordering of the affairs thereof.

Names of
corporators.

Corporate
title.

Corporate
powers.

SECTION 2. The objects of said corporation shall be the establishment and maintenance of a hospital or sanitarium for the treatment and cure of alcohol inebriates, and persons

Object of
the corporation.

OF CORPORATIONS.

addicted to the habitual or improper use of opium, morphine, cocaine, chloral, and tobacco, and for the treatment and cure of certain nervous and chronic diseases, and to that end to acquire, by purchase or otherwise, and to practice any reliable cure or formula for the treatment of persons suffering as aforesaid.

Corporators authorized to open subscription books and manage affairs of company.

Meeting of subscribers for organization.

Officers to be elected at the first meeting.

Number of directors may be changed.

Annual meetings.

Voting.

Notice of meeting to be given upon failure to hold annual meeting

Officers to serve until successors elected and qualified.

Duties and powers of Board of Directors.

SECTION 3. That said corporators are authorized to open books for subscriptions to the stock of said corporation, and manage the affairs of the same until the organization of said company. That the meeting for the organization of said company shall be held pursuant to written notice thereof, signed by a majority of said corporators, and directed and mailed to each subscriber for the stock of said company, and at such time and place as in said notice shall be designated. That at said meeting for said organization shall be elected, to serve until the next annual meeting of said corporation, a president, vice president, treasurer, secretary and general manager, medical director, and a board of nine directors. That all of said officers shall be stockholders in said company, and the number of said board of directors and the officers of said company may, at the first or any annual meeting of the stockholders of said company, by a majority vote thereof, be increased, changed or diminished, as to the said stockholders shall seem expedient and proper. That on the first Monday in April, A. D. eighteen hundred and ninety-four, and annually thereafter, shall be held the annual meeting of the stockholders in said corporation, at which meeting the officers of said company shall be elected for the ensuing year, and such other business relative to said corporation may be transacted as may be legally brought before said stockholders. That at all meetings of the stockholders each stockholder shall be entitled to as many votes as he shall hold shares of stock, and a majority vote shall decide all questions; and in case of the failure for any cause to hold any annual stockholders' meeting on the day herein fixed therefor, such meeting shall be held as soon as practicable thereafter, upon such notice thereof to the said stockholders as shall be provided for in the by-laws of said company, and the officers elected at the first or any other meeting of the stockholders of said company shall serve until their successors are duly elected and qualified.

SECTION 4. That the management and control of said corporation and its business and affairs shall be vested in the said board of directors, who shall have power to make and

OF CORPORATIONS.

ordain by-laws, for their own government and for the carrying on of the business and management of the property and concerns of the said corporation, not inconsistent with the constitution and laws of this State and the United States.

SECTION 5. That the capital stock of said company shall be twenty-thousand dollars, to be divided into two thousand shares of the par value of ten dollars each, and twenty-five per centum of said capital stock shall be paid in before beginning business under this act. Each share of said capital stock shall be personal estate, and shall be registered, certified, held, assigned and transferred according to such regulations and conditions as may be provided in the by-laws. Subscriptions to the capital stock shall be paid at such times, in such manner, and in such installments, as the board of directors shall appoint, and the same shall be liable to forfeiture for non-payment, as may be provided in the by-laws.

Capital stock.

Subscriptions; how and when to be paid.

SECTION 6. That the principal place of business of said company shall be in the city of Wilmington, Delaware, but branches may, at the discretion of the board of directors of said company, be established elsewhere in the said State of Delaware and in the United States.

Principal office.

Branch offices.

SECTION 7. That whenever any inebriate or common drunkard shall hereafter be arrested and brought before any justice of the peace in this State, or the judge of the municipal court of the city of Wilmington, charged with drunkenness or disorderly conduct, and the husband, wife, parent, or parents, child or children, brother or sister, or one of them, of said inebriate or common drunkard, shall make due application, by petition, to said justice of the peace, or said judge of the municipal court, to act under this section of this act, said justice of the peace, or said judge of said municipal court shall thereupon, upon the payment of a fee of fifty cents by said petitioner, make a true and full transcript of said petition and of the docket entries in the case of said inebriate or common drunkard so arrested and brought before him as aforesaid, duly certified under the hand of said justice of the peace or judge of said municipal court, and deliver the same to said petitioning relative of said inebriate or common drunkard; and thereupon said petitioning relative, in person, or by agent, or attorney, may present said certified copy of said petition and record to any judge of the Superior

Proceedings for the commitment of inebriates.

OF CORPORATIONS.

Court of the State of Delaware, who shall have jurisdiction to hear evidence upon the facts set forth in said petition, and upon such evidence, and upon the certificate of two reputable physicians that the physical and mental condition of said inebriate or common drunkard is such as to render him or her a proper case for treatment in the sanitarium by this act established, the said judge of said Superior Court shall have jurisdiction, if, in his opinion, it shall be a proper case for treatment in the sanitarium by this act established; the said judge of said Superior Court shall have jurisdiction if, in his opinion it shall be a proper case, to make an order directing that said inebriate or common drunkard shall be put in the custody and care of the manager of this company in the city of Wilmington, for a term not exceeding ninety nor less than thirty days, to be by the medical director of said company, or his assistants, treated for and cured of his habit of alcoholism and consequent disease; *provided* that the relative of said inebriate or common drunkard so applying to said justice of the peace, or said judge of said municipal court, shall, upon the making of the order aforesaid by the judge of the Superior Court, file with said justice of the peace or said judge of said municipal court a sufficient bond, with security, to pay said company the expenses of the care, maintenance and treatment of said inebriate or common drunkard during the period of time covered by said order, at a rate not exceeding three dollars and fifty cents per diem; whereupon it shall be the duty of said company to receive and treat said inebriate or common drunkard as aforesaid. That upon the making of said order by the said judge of the Superior Court of this State, and the due certification thereof by him, the said order shall be thereupon delivered to the justice of the peace or the judge of the municipal court before whom said inebriate or common drunkard was originally brought, who shall preserve the same and make a note thereof upon the record of the case; whereupon said order shall, in all cases when the sole charge brought against the inebriate or common drunkard is drunkenness or disorderly conduct, operate as a supersedeas to further proceedings in said case against said offender; and in all cases where a charge is pressed against said offender of a graver nature than aforesaid, the execution of said order of said judge of said Superior Court aforesaid shall be suspended until the expiration of the imprisonment, if any, to which said inebriate or common drunkard shall be sentenced. *And provided further*, that upon the petition of said inebriate or common drunkard, or

OF CORPORATIONS.

of the husband, wife, parent or parents, child or children, brother or sister, or one of them, of said inebriate or common drunkard, affected by any order as aforesaid, to the judge of the Superior Court of this State resident in New Castle county, alleging either that said inebriate or common drunkard is improperly placed in the care of this company as aforesaid, or that said inebriate or common drunkard has been under treatment in this company as aforesaid and is cured, and that the term mentioned in said order is not yet expired, said resident judge of said Superior Court shall inquire into the facts set forth in said petition, and upon such hearing and proof of the said facts shall have power, in his discretion, to order the release of said alleged inebriate or common drunkard from the custody of said managers of said company; and said resident judge, or any judge of the Superior Court, shall have power to make such order relative to the costs of any of the proceedings before him, hereinbefore provided for, as to him shall seem proper.

SECTION 8. That this act shall be deemed and taken to be a public act, and shall be published with the other public acts passed at this session of the General Assembly. Public act.

SECTION 9. The power to alter, amend, or revoke this act is hereby expressly reserved to the legislature.

Passed at Dover, April 25, 1893.

OF CORPORATIONS.

CHAPTER 722.

OF CORPORATIONS.

AN ACT to incorporate the "Fenwick Island Company."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the Legislature concurring therein):

Names of
corporators.

Corporate
title.

Corporate
powers.

Object of
corporation.

SECTION 1. That Robert W. Dasey, Horace J. Hickman, John H. Layton, Frank Taylor, William H. Kenworthy, and such other persons as may hereafter become stockholders in the company hereby incorporated, their successors and assigns, be and they are hereby constituted a corporation and body politic by the name of "Fenwick Island Company," and by that name shall have succession, with power to sue and be sued, to plead and be impleaded, complain, answer and defend in all courts of law and equity, to acquire, purchase, take, lease and hold and enjoy all such estates and property, real, personal and mixed, as may come into its possession under contract or by order of its board of directors, or in the course of its dealings and business, having the the same rights, powers and privileges and subject to the same duties with respect thereto as any individual holder, whatsoever the same may be and wheresoever situate, and the same to invest, manage, collect, adjust, settle, sell, grant, convey, loan, lease, pledge, mortgage and otherwise dispose of at its pleasure; to have and use a common seal, and the same to alter and renew at pleasure, and generally to use, exercise and enjoy all the powers, rights, privileges and franchises incident to a corporation, except banking powers, which are proper and necessary to the transaction of the business of the corporation hereby granted. The said corporation is further authorized generally to do such acts and things as may be proper and necessary in the conduct of the business of purchasing, selling, holding, improving and managing real estate and island property in all its various branches; may erect, build, purchase or make for itself, or under contract, houses, buildings, structures, piers and wharves, and lease, hold, manage, operate and dispose of such or any of its property.

OF CORPORATIONS.

SECTION 2. The corporators named in Section one of this act, or a majority of them, shall have power and are hereby authorized to open books and secure subscriptions to the capital stock, at such times and places as they may deem expedient, which capital stock shall consist of one thousand shares of the par value of fifty dollars each, making a total capital of fifty thousand dollars. The majority of the stockholders may, however, increase the capital stock in their discretion from time to time by such amounts as shall be proper and for the best interests of the said company, not exceeding three hundred thousand dollars, and the same, or any part thereof, may be issued in settlement of any liability of said company incurred in the purchase of any property.

Subscriptions.

Increase of capital stock.

SECTION 3. Subscriptions to the capital stock shall be paid in such manner, and in such installments, and at such times as the directors shall appoint, and the same shall be liable to be forfeited for non-payment, as may be provided in the by-laws.

Payment of subscriptions.

SECTION 4. There shall be an annual meeting of the stockholders on the first Wednesday of January of every year; special meetings of the stockholders may be called by the president in the manner to be provided by the by-laws. At all meetings of the stockholders all questions shall be decided by a majority of votes cast, either in person or by proxy, each share of stock being entitled to one vote.

Annual meeting.

Special meetings.

Voting

SECTION 5. The affairs and business of the corporation shall be managed by a board of directors, not less than three nor more than seven in number, who must be stockholders; they shall be elected at the annual meeting by the stockholders; they shall be chosen by ballot, and by a majority of the votes cast, according to the provisions of the fourth section of this act, and shall continue in office until the next annual meeting, or until their successors are duly chosen; any vacancy in the board may be filled by the directors; a failure to elect annually shall not dissolve the corporation. The corporators named in his act shall serve as directors until the first annual meeting of the stockholders.

Directors; how chosen.

Vacancies; how filled.

Corporators to act as directors till annual meeting.

SECTION 6. The directors shall elect from their number a president, vice president, secretary and treasurer.

Officers.

The duties of said officers shall be prescribed by the by-laws. The directors may employ such other officers, agents and servants as may be necessary, and may prescribe their

Powers and duties of the directors.

OF CORPORATIONS.

duties, fix their compensation, and secure their fidelity by bond or otherwise, as they shall deem proper. The directors shall cause to be kept proper books, in which shall be regularly entered the transactions of the corporation, which books shall at all times be subject to the inspection of the stockholders; they shall cause to be exhibited to the stockholders at their annual meetings a statement of the affairs and doings of the corporation.

By-laws.

SECTION 7. By-laws for the government of the corporation shall be made by the stockholders, and they may at any time alter, amend or add to the same in the manner prescribed therein.

Dividends.

SECTION 8. The directors may declare dividends when they deem it expedient, but only out of the net earnings of the corporation, so that its capital stock shall not be impaired by so doing.

Corporation
authorized
to construct
a railroad.

Location of
road.

May take
private
property.

Compensa-
tion.

Assessment
of damages.

Commis-
sioners to
be sworn.

Award by
second set
of commis-
sioners final.

SECTION 9. *And be it further enacted*, That the said corporation be and it is hereby authorized to build, erect or construct a railroad, which shall commence at or near Fenwick's Island and extend thence in a westerly direction to some convenient point on the line of the Delaware, Maryland and Virginia Railroad, and on the east side thereof, and not north of Frankford nor south of Selbyville, and for the* purpose to enter upon any lands necessary for locating, laying out and constructing the same, or to procure any timber, wood, sand, gravel, or other earth, for said purposes; and whenever any person or persons, the owner or owners of any lands upon which it shall be necessary for said company to enter, for the purpose aforesaid, and the parties cannot agree upon the compensation for any real or supposed injury to such land, thereupon application may be made by said company to the associate judge for Sussex county, who shall appoint five commissioners to go upon said lands and assess the damages. The said commissioners, before entering upon their duties, shall be sworn or affirmed to perform the same with fidelity. They shall make a return of their finding to the said judge, who shall have power to examine the same and either approve and confirm the award or appoint another set of commissioners with like powers. The award made by the second set of commissioners, when approved by said judge, shall be final and conclusive, and upon payment by the said corporation of the damages awarded, either to the

*So enrolled.

OF CORPORATIONS.

party in person, or by deposit of the same to his or her credit in the Farmers' Bank at Georgetown, the said lands so condemned shall vest in the said corporation for the purposes contemplated by this section. The motive power of the said road shall be either steam or electricity.

Payment of
damages.

Motive
power.

SECTION 10. This act shall be deemed and taken to be a public act, and the power of revocation is expressly reserved to the legislature.

SECTION 11. *And it is further provided,* That if said railway be so located as to cross any railway track now constructed or existing, which is owned or operated by any railway company using steam as a motive power, such crossing shall not be at grade, but shall be by either an overhead or underground crossing.

Crossings
not to be at
grade.

Passed at Dover, April 25, 1893.

CHAPTER 723.

OF CORPORATIONS.

AN ACT to incorporate "The Delaware Pneumatic Tube and Delivery Company."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

SECTION 1. That Joseph M. Chambers, Wilbur H. Bur-
nite, Hezekiah Harrington, Robert W. Dasey, John Pilling,
Horace J. Hickman, John F. Saulsbury, Thomas T. Lacey,
John D. Hawkins, William E. Hall, William T. Watson,
Peter L. Cooper, Jr., William Findley Brown, W. C. Hard-
castle, Robert H. Van Dyke, Enoch Moore and Wilson T.
Cavender, be and they are hereby appointed commissioners
to procure and cause to be opened, at such time and place as
a majority of them shall deem proper, a suitable book for
subscriptions to the capital stock of "The Delaware Pneu-
matic Tube and Delivery Company."

Names of
commis-
sioners.

Subscrip-
tions to cap-
ital stock.

OF CORPORATIONS.

matic Tube and Delivery Company," and may permit such persons to subscribe in said book for such number of shares of said capital stock as a majority of said commissioners may deem proper.

When com-
pany to be a
corporation.

Corporate
title.

Corporate
powers.

SECTION 2. That so soon as five hundred shares of said capital stock shall have been subscribed for, the persons subscribing therefor, and such others as shall at any time become shareholders in said company, their successors and assigns, shall be and they are hereby declared to be incorporated by the name, style and title of "The Delaware Pneumatic Tube and Delivery Company," and by that name shall have perpetual succession, and by that name shall have power and capacity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any and all courts and places whatsoever, whether in this State or elsewhere, in all manner of actions, suits, complaints, pleas, causes, matters and demands whatsoever, and shall have power to purchase, lease, take, own and hold by contract, deed, devise, bequest, gift, assignment or otherwise, estate, real, personal or mixed of every kind, and the same to grant, mortgage, sell, lease, alien, convey and dispose of in such manner and on such terms and conditions as the said company or its successors shall think proper; to enter into any and all contracts necessary or proper to be made in the conduct of its business; to declare dividends out of the net profits of the company; to have a common seal; to ordain by-laws for the government of said company; and generally to exercise and enjoy all the franchises incident to a corporation, except banking powers.

Object of the
corporation.

Authorized
to construct
and operate
pipe lines.

SECTION 3. That the object and purpose of the corporation hereby created is to construct, maintain and operate a pipe line for the delivery of parcels, liquids, chattels and packages, by means of pneumatic tubes, or other appliances, however operated, for compensation, within the State of Delaware, and for that purpose the company hereby created is authorized and empowered to construct, operate and maintain pipe lines within the State of Delaware, and to operate the same in such manner and by such power as the said company may in its discretion at any time adopt; the right being hereby given to said company to erect, construct, operate and maintain such devices, contrivances and appliances as are necessary to render the said power effective.

OF CORPORATIONS.

SECTION 4. That the capital stock of said company shall be one hundred thousand dollars, divided into four thousand shares of the par value of twenty-five dollars each, with the privilege of increasing said capital stock by a vote of the stockholders at an annual or special meeting or meetings to such amount as they may from time to time determine upon, not exceeding five hundred thousand dollars. The said company shall have power to borrow money, and to issue its obligations therefor in the form of notes, bonds or otherwise, with the privilege of securing the payment of such of its obligations as it may desire so to secure by mortgage or mortgages of its lines or any part thereof, or of any part or all of its estate, real or personal, or of its corporate rights and franchises held under this act or any supplement thereto.

Capital stock.

Company may borrow money.

How secured.

SECTION 5. That the business and concerns of said company shall be managed by a board of directors consisting of not less than three nor more than nine members, who shall be elected by the stockholders from their own number, at such times and in such manner as may be provided by the by-laws, and who shall continue in office until their successors are duly chosen; any director ceasing to be a stockholder shall cease to be a director; the board of directors shall elect from their own number a president, and shall have power to elect such other officers, agents, or servants as it may deem for the welfare of said company, determining their duties, fixing their compensation, and requiring, when in their judgment it may be desirable, security for the due and faithful performance of their duties. A majority of the whole number of directors shall constitute a quorum for the transaction of all business. Any vacancy in the board of directors, or in the office of president, shall be filled by appointment made by a majority of the whole board of directors.

Management to be by board of directors.

Directors; how elected.

Term of office.

Other officers.

Duties of directors.

Quorum.

Vacancies; how filled.

SECTION 6. That as soon as convenient after five hundred shares of the capital stock of said company shall have been subscribed for, the said commissioners, or a majority of them, shall call a meeting of the persons so subscribing, for the purpose of organizing said company by the election of a board of directors, the number of which shall be determined by said meeting, and the adoption of by-laws. Said meeting shall be held at such time and place as a majority of said commissioners shall determine, and notice of the time and place of such meeting shall be mailed to each subscriber. At said meeting a board of directors shall be elected by bal-

Meeting of subscribers.

Purpose of meeting.

Time, place and notice of meeting.

Election by ballot.

OF CORPORATIONS.

Term of office.	lot, who shall continue in office until their successors are duly chosen in accordance with the by-laws, and by-laws for the regulation and government of said company shall be adopted. At said meeting any three of the commissioners shall act as
Elections; how held.	judges of election, and each subscriber shall be entitled, in person or by proxy, to one vote for each share of stock they have subscribed for. As soon as convenient after their elec-
Organization of board	tion, the board of directors shall meet for the election of a president and such other officers as they may determine upon, and for the transaction of such other business as may be brought before them.
Annual meeting; when and where held.	SECTION 7. There shall be an annual meeting of the stockholders of said company for the purpose of electing a board of directors and transacting such other business as may properly be brought before it, which meeting shall be held at such time and place as the by-laws may prescribe. Special
Special meetings.	meetings of the stockholders may from time to time be called and held pursuant to the provisions of the by-laws. At all stockholders' meetings each stockholder shall be entitled, in
Voting.	person or by proxy, to one vote for each share of stock held by such stockholder. At any stockholders' meeting, whether special or annual, subject to the provisions of the by-laws,
Changes in by-laws; how effected	any by-law or by-laws may be altered, amended or repealed, or any new by-law or by-laws adopted by a majority of all the votes cast, <i>provided</i> that notice of the intention to alter, amend, or repeal such by-laws, or adopt such proposed new
Provisions to be made by the by-laws.	by-law or by-laws be given in the call for said stockholders' meeting; the by-laws shall prescribe the proportion of the stock of the company that shall constitute a quorum at stockholders' meetings, and all other things relating to the government of said company not specifically provided for in this act.
Taking of private property for the use of the corporation.	SECTION 8. Whenever it shall be deemed by the directors necessary to enter upon and occupy any lands, tenements or hereditaments for the use of said corporation, if the owner or owners of such lands, tenements or hereditaments be not known or be under the age of twenty-one years, or if the directors and such owner or owners cannot agree upon the compensation to be made therefor, the Superior Court of the State of Delaware, in and for the county in which said
Appointment of commissioners.	real estate is situate, in term time, or any judge of the same in vacation, shall, upon application by the company, appoint five commissioners, (who shall be freeholders) to go upon the
Notice.	premises, first giving notice of the time and place of their meeting to the president of the company and to the owner

OF CORPORATIONS.

or owners of the premises, if residing within the county, otherwise such notice shall be given to the tenant in possession or agent in charge of the premises. The commissioners being sworn or affirmed to perform their duties with fidelity, shall assess fairly and impartially the damage of such owner or owners to be sustained by their premises being taken for the use of the company, taking into consideration all the advantages to be derived to the owner or owners, and shall certify their proceedings, with their assessment, under the hands and seals of a majority of them to the company; whereupon the said company, upon recording the same in the office for recording, in and for the county in which said real estate is situate, and paying to the owner or owners of the premises the damages assessed as aforesaid, or depositing the same to the credit of such owner or owners in the Farmers' Bank of the State of Delaware at Dover, shall become entitled to hold, use and enjoy the said premises exclusively to it, its successors and assigns forever; *provided* that either party, being dissatisfied with the damages so assessed, may, on application to the prothonotary of the county in which said real estate is situate, within sixty days after such assessment shall have been recorded as aforesaid, sue out a writ of *ad quod damnum*, requiring the sheriff of said county, in the usual form, to inquire by twelve impartial men of his bailiwick, under oath or affirmation, of the damages aforesaid. The assessment of the jury duly made and returned by the sheriff shall be final. If increased damages are found by the jury, the increased amount shall be paid or deposited by the company [as] before provided, and if the damages be reduced the owner shall refund the amount diminished. The costs of the inquisition shall be paid by the unsuccessful party. The work of the said company shall not be delayed by such application for a writ of *ad quod damnum*, but upon payment or deposit, as hereinbefore provided of the damages awarded by the commissioners, the title to the company, to enter upon, use, occupy and enjoy the premises inquired of and to hold the same to it, its successors and assigns, shall become vested and perfect.

Assessment of damages.

Payment of damages.

Title.

Proviso.

Right of writ of "ad quod damnum."

Assessment made by jury, final.

Adjustment of damages after "finding by jury"

Costs; by whom paid.

Work not to be delayed by application for writ.

SECTION 9. If any person or persons shall willfully damage or obstruct the said lines, or any part thereof, or hinder or delay the building of the same, or damage any of the works or property of said company, such person or persons shall be liable to the company in a civil action for double the damages sustained, and shall moreover be guilty of a

Persons obstructing or damaging property of company subject to suit; also guilty of misdemeanor.

OF THE CITY OF WILMINGTON.

misdemeanor, and, on indictment and conviction thereof shall be fined not exceeding three hundred dollars, at the discretion of the court.

Cost of
printing to
be paid by
incorpor-
ators.

SECTION 10. That this act shall be deemed and taken to be an act for public improvement and is declared to be a public act, and shall be published with the other public acts passed at this session of the legislature, but the Secretary of State shall collect from the incorporators the cost of printing this act; and the power to alter, amend or revoke this act is reserved to the legislature.

Passed at Dover, May 4, 1893.

CHAPTER 724.

OF CITY SOLICITOR.

AN ACT to amend Section 40, Chapter 660, Volume 18, Laws of Delaware, passed at Dover, April 19, 1889.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the legislature concurring therein), as follows:

Section 40,
Chapter 660,
Volume 18,
amended.

[SECTION 1.] That Section 40, Chapter 660, Volume 18 of the Laws of Delaware, be and the same is hereby amended, as follows, to wit:

By striking out all that portion of said section between the word "State," in the twelfth line thereof, and the word "and," in the fourteenth line thereof.

Passed at Dover, February 28, 1893.

OF THE CITY OF WILMINGTON.

CHAPTER 725.

OF EXEMPTION FROM TAXATION.

AN ACT to further induce the Improvement of certain Real Estate in the Second Ward of the City of Wilmington.

WHEREAS that portion of the Second Ward of the city of Wilmington, situate between G street and the Christiana creek and Commerce street and the Delaware river, is composed of low marsh and meadow lands, is very sparsely inhabited, and has only two or three manufactories erected thereon. After this portion of said ward had been included within the corporate limits of said city the lands upon which manufactories were erected were exempted from taxation for a period of ten years from the time said manufactories were built; yet during this period the owners of said industrial establishments, notwithstanding said tax exemption, have not received the benefits and privileges contemplated as the natural result of said act, and in fact have received no benefits or advantages by being within said city limits, such as the use of city water or gas, mains or pipes not having been laid, nor police or fire protection. The one street extending through said portion of said ward is not curbed or paved, and grades are not established. The owners of said land have been put to very great expense in making artificial foundations for their buildings and filling in the ground around them. The said lands are bounded by the Christiana creek and Delaware river, and the owners thereof are compelled, at their own cost and expense to construct and maintain banks along the water front on said streams of over a mile in length, and of great size and strength, to resist freshets and unusual high tides. Said banks, besides having to resist the force of northeast storms and floods, are subject to the action of the swell from tugboats and steamboats navigating said streams, and annually require the expenditure of large sums of money, amounting to thousands of dollars, to keep them in proper repair and thus protect this portion of said city from the damage to health and property which would result from the breaking of said banks, all of which tends to deter others from erecting industrial improvements for the employment of labor within said limits;

OF THE CITY OF WILMINGTON.

Further
preamble.

AND WHEREAS the said period of exemption from taxation, in some instances, is about to expire of its own limitation, it would, under all the circumstances, and in consideration of the fact that the manufactories or industrial establishments which have heretofore been built and erected on said land do not have the same protection, privileges and benefits that like establishments situated in other portions of said city have and enjoy, be wholly unjust and a burdensome exaction to assess and collect taxes on said property until after a further period of exemption from taxes had been given to them; wherefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Certain real
estate in the
second ward
exempt from
taxation for
ten years
whenever
any manu-
factory is
erected
thereon.

Limit of
exemption.

Exemptions
determined
by City
Council.

SECTION 1. That the real estate of any person or persons, or body corporate, within the limits of the portion of the second ward of the city of Wilmington hereinafter described, upon which any manufactory or other industrial improvement for the employment of labor is now or may hereafter be erected after the passage of this act, shall be exempt for a period and term of ten years, from and after the date of the passage of this act, from assessment and taxation for municipal purposes. The said exemption to apply only to the land occupied by such manufacturing or other industrial improvements and necessary to their operation. In the event of any question as to the quantity actually necessary for this purpose, it shall be determined by the city council.

The portion of the said second ward to be embraced within the provisions of this act is described as follows, to wit:

Boundaries
of lands
embraced
within pro-
visions of
this act.

Beginning at the intersection of the southerly side of G street with the easterly side of New Castle avenue; thence northerly with the said side of said avenue to the centre line of the Shellpot branch of the Philadelphia, Wilmington and Baltimore railroad; thence with the centre line of said railroad easterly to the westerly side of Goodman street; thence by the said side of Goodman street northeasterly to the easterly side of Christiana avenue; thence by said side of said Christiana avenue to the southerly side of Commerce street; thence by said side of Commerce street easterly one thousand feet; thence at right angles with said side of Commerce street northerly to the Christiana river; thence down the said Christiana river and binding thereon to its mouth at the river Delaware; thence down the Delaware river and binding

OF THE CITY OF WILMINGTON.

thereon in a southerly direction to the city line; thence with said city line in a northwesterly direction to the easterly side of New Castle avenue aforesaid, the place of beginning.

Passed at Dover, March 1, 1893.

CHAPTER 726.

OF THE BOARD OF HEALTH.

AN ACT to further amend an act entitled "An act to revise and consolidate the Statutes relating to the City of Wilmington," passed April 13, 1883.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring herein):

SECTION 1. Amend Section 137 of said act by inserting after the word "exists" and before the word "and," in the twentieth line thereof, the following:

Section 137
of said
"Act"
amended.

"And whenever the said board shall deem it necessary for the preservation of the public health that any lot or parcel of land, house, building, or structure of any kind whatsoever, situate in the City of Wilmington, unconnected with a sewer, should be connected therewith, the said board shall have power to give directions to the owner or owners of such premises that the same shall be connected by suitable drains with a public or private sewer, if there be any such to which said premises shall or may have access, so that all of the sewerage and house drainage, and all stagnant, offensive or unwholesome water should be removed from said premises, said connection to be made subject to the ordinances, rules and regulations of said city.

Board of
Health au-
thorized to
direct prop-
erty owners
to connect
property
with sewers.

Removal of
offensive
matter.

Passed at Dover, April 5, 1893.

OF THE CITY OF WILMINGTON.

CHAPTER 727.

OF ELECTIONS.

AN ACT in relation to Municipal Elections to be held in the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Chapter 194,
Vol. 18 as
amended
and publish-
ed as amend-
ed in Chap.
669, Vol. 18,
repealed.

SECTION 1. That Chapter 194, Volume 18, Laws of Delaware, entitled "An act to amend an act entitled 'An act to revise and consolidate the statutes relating to the city of Wilmington,' " as amended by Chapter 668, Volume 18, Laws of Delaware, entitled "An act to amend Chapter 194 of Volume 18 of the Laws of Delaware," and as published, as amended, in Chapter 669, Volume 18, Laws of Delaware, entitled "An act to amend an act entitled 'An act to revise and consolidate the statutes relating to the city of Wilmington, as amended April 25, 1889,' " be and the same is hereby repealed.

Elections in
Wilmington;
how to be
conducted.

SECTION 2. That from and after the passage of this act, at all elections held in the city of Wilmington, excepting elections for members, [of] "The Board of Public Education in Wilmington," the registration, election and canvass of the vote cast thereat shall in all respects be conducted in conformity with the provisions of the election and registration laws governing general elections in the city of Wilmington, except as in this act otherwise provided.

Powers and
duties
vested in
department
of elections
by Chap.
194, Vol. 18,
hereby vest-
ed in de-
partment
created by
Chap. 39,
Vol. 19.

SECTION 3. All duties imposed upon and all powers vested in the Department of Elections created by an act entitled "An act to amend an act entitled 'An act to revise and consolidate the statutes relating to the city of Wilmington,' " Chapter 194, Volume 18, Laws of Delaware, are hereby imposed upon and vested in the Department of Elections created by an act entitled "An act to provide for the registration of voters in the city of Wilmington," Chapter 39, Volume 19, Laws of Delaware.

Election
officers act-
ing under
act here
recited shall
hold all
municipal
elections.

SECTION 4. The election officers and their successors, appointed in accordance with the provisions of the aforesaid act entitled "An act to provide for the registration of voters in the city of Wilmington," shall hold all municipal elections, and shall be entitled to receive from the city of Wil-

OF THE CITY OF WILMINGTON.

Wilmington, as compensation for their services, the amount stated and in the manner provided by the aforesaid act entitled "An act to provide for the registration of voters in the city of Wilmington." Compensation.

SECTION 5. At all municipal elections, the election districts shall be the same as those designated by the Department of Elections for the general election next preceding. Election districts.

SECTION 6. The Department of Elections for the city of Wilmington, created by the act which by Section 1 of this act is repealed, shall immediately, upon the passage of this act, transfer, deliver and make over to the Department of Elections created by the act entitled "An act to provide for the registration of voters in the city of Wilmington," all books, records, papers, pamphlets and election paraphernalia whatsoever now in its possession or under its control in anywise pertaining to or connected with the said Department of Elections. Each member of the Department of Elections shall receive as compensation for his services, in any year in which a municipal election is held, a salary for such year of five hundred dollars, payable by the city, as other officers of the city of Wilmington are paid. Transfer of books, papers, etc., to present department of elections.

SECTION 7. That on the second Saturday next preceding the day of any municipal election there shall be a revision of the general registration, which revision shall be made in accordance with the provisions of the aforesaid act entitled "An act to provide for the registration of voters in the city of Wilmington." To facilitate the transfer of names from one book to another in case of removals of all kinds, at least one member of the Department of Elections shall sit at the office of the Department of Elections every day (excepting Sunday) of the two weeks preceding the last week in the month of April next preceding said municipal election, between the hours of three and five o'clock in the afternoon, and during the last week of the said month between the hours of three and five o'clock in the afternoon and seven and eight o'clock in the evening, and do and perform the following acts, to wit: The member or members of the Department of Elections, sitting as aforesaid may, in any case in which it is deemed necessary, administer to an applicant who personally presents himself the oath prescribed by Section 6 of Chapter 39, Volume 19, Laws of Delaware, and if, in the judgment of said member or members of the Department Revision of registration; when to be made.

Member to sit at office of "department;" days of sitting; hours of sitting.

Members sitting may administer oath to applicant.

OF THE CITY OF WILMINGTON.

Entries to be made in registration books.

Legal force of entries.

Impersonation of voter not to deprive voter impersonated of his right to vote.

Impersonator of voter guilty of a misdemeanor.

Penalty.

Duties of Clerk of the Peace under general election laws to devolve on department as regards municipal elections.

Department may dismiss officers and supply their places.

ment of Elections as aforesaid the statements and representations made by the applicant are deemed to be true and correct, and if it appear from the registration books that the applicant was duly registered and had voted at the general election next preceding, he or they shall, with the aid and assistance of the clerk of the Department of Elections, if his assistance be required, proceed to make such entries in said registration books and public copies as are required to be done by the inspectors of election in such cases, and act and conform in all respects by and in accordance with the provisions of Section 6 of the aforesaid act relative thereto; *provided however* that the lines to be drawn through the names duly stricken from the registration books and public copies and all entries made by said Department of Elections, or member sitting as aforesaid, in said books of any kind or nature shall be done with red ink. And said entries of removal in said books, when so made, shall be of the same legal force and effect as though made by the inspectors of election on the day set apart in this act for the revision of the registration.

Should any one impersonate a voter, and through fraud or misrepresentation secure the transfer of the said voter's name from the registration books of the election district where he is registered to the registration books of any other election district, such voter shall not thereby lose his right to vote in the election district in which he was legally registered and from which he had not removed; but every such person impersonating or making the misrepresentations aforesaid shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished for each and every offense by imprisonment in the county jail of not more than two years or by a fine of not more than two hundred dollars, or both.

SECTION 8. All acts required to be performed by, or duties imposed upon, the Clerk of the Peace or any other county officer by the election, registration, or ballot laws governing the general elections in the city of Wilmington, shall, in relation to municipal elections, devolve upon and be performed by the Department of Elections.

SECTION 9. The Department of Elections shall have power to dismiss any election officer, clerk, or assistant, at any time, and supply his place with another person. On the first day of January, in any year in which there is to be held a general

OF THE CITY OF WILMINGTON.

or municipal election, (and in the present year as soon as they deem proper) the said Department of Elections shall employ a clerk, and at any time thereafter they may employ other assistants, as in the judgment of the members of the said department shall be necessary and proper for the full performance by the department of the duties by this act imposed, *provided* the expense thereof shall not exceed fifteen hundred dollars in one year; the salaries for the clerk and assistants aforesaid to be paid as other municipal election expenses are paid.

Employment of clerks and assistants.

Compensation of clerks and assistants.

SECTION 10. Any organization of bona fide citizens and voters in the city of Wilmington, which shall by means of a convention, primary election, or otherwise, nominate candidates for offices to be filled by the people at any municipal election, shall be deemed and taken to be a political party within the meaning of this act. No organization shall be taken as a political party that does not represent at least one hundred bona fide citizens and voters of the city of Wilmington. If the Department of Elections should have any doubt as to the sufficiency of the number of bona fide voters represented by any organization in the said city of Wilmington they may demand a certificate of twenty-five voters belonging to such an organization as to that fact.

What organizations deemed to be a political party.

Not less than one hundred persons deemed to be a political party

Certificate of voters.

The Department of Elections shall cause to be printed the ballots to be used at municipal elections, in the same manner and under the same laws as far as they can relate and may be applicable to municipal elections in the city of Wilmington, as the Clerk of the Peace is directed so to do for general elections.

Ballots; by whom issued.

The nomination of the candidates for offices to be filled by the people at a municipal election shall be certified to the Department of Elections aforesaid by the presiding officer and secretary of the proper party convention or committee. The certificate shall be in writing, and shall contain the name of each person nominated, his residence, and the office for which he is nominated.

Certificates of nomination.

Contents of certificates.

The persons making such certificates shall add to their signatures their respective places of residence, and shall acknowledge such certificate before an officer duly authorized to take acknowledgments of deeds, and a certificate of such acknowledgment shall be affixed to the instrument. The certificate shall also designate a title for the party which such

Acknowledgement of certificates.

Title of party.

OF THE CITY OF WILMINGTON.

Designation by device.	convention or committee represents, together with any simple figure or device by which its list of candidates may be designated on the ballot.
What device to be used at municipal election.	The same devices shall be used at the said municipal election as were used at the general election next preceding the said municipal election; <i>Provided however</i> that no device used at the said general election shall be used at the said municipal election unless the party that selected and used said device at the general election nominate candidates to be voted for at the said municipal election; <i>and provided further</i> , that if any new political party or parties should be formed after the said general election, and within twenty days prior to the said municipal election, the said party or parties shall present their device or devices, properly certified to the department of elections within twenty days prior to the said municipal election, such figure or device may be a star, an eagle, a plow, or some such appropriate symbol, but the coat of arms or seal of the State, or of the United States, or the flag of the United States, or a device previously selected and used at the election next preceding by another political party, shall not be used as the figure or device of a political party at a municipal election. In case of death, resignation, or removal of any candidate subsequent to nomination, a supplemental certificate of nomination may be filed by the proper officers as aforesaid. In case of a division in any party in the city of Wilmington, or a ward thereof, and claim is made by two or more factions to the same party name or title, figure or device, the Department of Elections, within ten days after it has received the certificates of the contending factions shall determine to which faction the name, title or figure properly belongs, giving the preference to the convention or primary election held at the time and place designated in the call of the regularly constituted party authorities; and if, within five days thereafter, the other faction shall present no other party name or title, figure or device, and certify the same to the Department of Elections, the latter shall select some suitable title, figure or device for said faction, and the same shall be placed above the list of their candidates on the ballots. The certificates of nomination herein directed to be filed with the Department of Elections shall be filed not less than ten days before the day fixed by law for the election of the persons in nomination.
No device to be used unless nominations made.	
New political parties.	
Devices to be presented twenty days prior to election.	
What symbols not to be used as a device.	
Supplemental certificates in event of death, etc., of candidate	
Department to determine between factions of a party as to "device."	
Preference to be given convention held at time and place designated in "call."	
Provisions for device of "other" faction.	
Certificates to be filed ten days before election	

Qualifications of voters.

SECTION 11. That [at] all municipal elections every male citizen of the age of twenty-one years and upwards having

OF THE CITY OF WILMINGTON.

resided within the said city for three months next previous to the election, and in the election district where he offers to vote for thirty days next preceding the election, who being otherwise qualified to vote at all State elections, and who shall have registered at the registration for the general election next prior to the election at which he offers to vote, and who shall have voted thereat, as shown by the registration books of the inspectors of that election, or who shall have registered at a revision of such registration and no other, shall be entitled to vote; if any person who may have had his domicile in said city shall actually remove to any other place with the intention of remaining there an indefinite time as a place of domicile he shall thereby lose his qualification of residence notwithstanding he may entertain a floating intention of returning at such future time.

SECTION 12. The qualified voters of each ward shall, at every biennial election in June, choose a member of council for their ward, resident in the ward. A member moving out of the ward from which he was elected shall thereby lose his office and the city council shall fill the vacancy.

Members of Council to be chosen biennially in June.

Vacancies.

SECTION 13. Whenever, by an act of the General Assembly of the State of Delaware, or otherwise, the corporate limits of the city of Wilmington are extended and new territory is acquired and added thereto, the said Department of Elections is hereby authorized, directed and vested with the power to lay out and designate new election districts, in the manner now by law provided, and appoint election officers therefor.

New election districts to be laid out whenever new territory is acquired by city.

Election officers; how provided.

SECTION 14. A failure to hold an election on election day, or the omission to execute any authority conferred by this act, shall not dissolve the corporation, but the authority of each officer shall continue until a new election can be legally held.

Failure to hold election not to dissolve corporation.

SECTION 15. All elections shall be by ballot, and a plurality of votes cast shall make a choice; the ballots used shall conform in all respects to those required by the general law of the State. Each city election shall be opened between the hours of eleven o'clock in the forenoon and twelve o'clock noon and continue open until seven o'clock in the afternoon, when the same shall be closed.

Elections to be by ballot; form of.

Hours for holding elections.

OF THE CITY OF WILMINGTON.

Election ex-
penses a
city charge.

SECTION 16. The legal compensation of all members of the department of elections, inspectors of election, poll clerks, and other officers of election, the costs and expenses of all necessary election notices, posters, maps, advertisements, registers, books, blanks and stationery, the rent and cost of fitting up, warming, lighting, cleaning and safe keeping of all places of registration and polling places, of furnishing, repairing and carting ballot-boxes, and all supplies of every kind and nature for city elections in the city of Wilmington, shall be a city charge, and shall, upon proper certificates and vouchers, be paid in the same manner as by law provided for the payment of other expenses of the said city of Wilmington. The city council of the said city of Wilmington shall yearly levy upon the estates, real and personal, of the said city of Wilmington the amount estimated to be required to pay the expenses of registration and of all city elections which may be held in the said city during the year, and all expenses incurred by virtue of the provisions of this act.

How paid.

Expenses of
registration;
how pro-
vided for.

Vacancies
among list
of candi-
dates; how
filled.

SECTION 17. In case of death, removal or resignation of any candidate after the printing of such ballots and before such election, it shall be lawful for the chairman of the city, ward, or district political organization by which such candidate was nominated to make a nomination to fill such vacancy and to provide the election officers of each election district in which such candidate is to be voted for with a number of pasters containing only the name of such candidate at least equal to the number of ballots provided for each election district, but no pasters shall be given to or received by any one except such election officers and such chairman, and it shall be the duty of the clerks of election to put one of such pasters in a careful and proper manner and in the proper place on each ballot before they shall sign their initials thereon. If the printer of such ballots, or any person employed in printing the same, shall give or deliver or knowingly permit to be taken any of said ballots by any person other than the Department of Elections by the order of and for whom such ballots are being printed, or shall permit or cause or permit to be printed any ballot in any other form than the one prescribed by this act and the act entitled "An act to provide for the secrecy and purity of the ballot," or with any other names thereon than those authorized by the Department of Elections, or with the names spelled or the names or devices thereon arranged in any

Pasters to
be furnished
election
officers.

Duty of
clerks of
election with
respect to
use of
pasters

Duty of per-
sons em-
ployed in
printing
ballots.

OF THE CITY OF WILMINGTON.

other way than that authorized and directed by the said Department of Elections, he shall be guilty of a misdemeanor, and, on conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned in the county jail not less than one nor more than five years, or both, at the discretion of the court.

Misdemeanor for printer to violate these provisions.

Penalty.

The Department of Elections shall make the ballot boxes and the tally lists, and all other papers to be delivered to the several inspectors, conform to the requirements of this act and the act entitled "An act to provide for the secrecy and purity of the ballot."

Ballot boxes, tally lists, etc.

SECTION 18. As soon as the polls of an election shall have been finally closed, the inspectors of election in their several districts shall immediately, and at the place of the polls, proceed to canvass the votes. Such canvass shall be public and shall not be adjourned or postponed until it shall have been fully completed and the several statements hereinafter required to be made by the inspectors shall have been made out and signed by them. No vote shall be counted or canvassed in any election district unless three qualified voters in such election district, if so many claim that privilege, are allowed to be present, or so near that they can see whether the duties of said inspectors are fully and faithfully performed.

Duty of inspectors to canvass the votes.

Canvass of votes.

Right of qualified voters to be present.

SECTION 19. The canvass shall commence by a comparison of the poll lists from the commencement, and a correction of any mistakes that may be found thereon; and such comparison shall be continued until the poll lists agree as to the number of ballots deposited in the box. When they have been made to agree, one of the inspectors shall publicly announce in a loud voice the number of ballots deposited in the box as shown by the poll lists. The inspectors of election shall then immediately proceed to count the ballots.

Manner of conducting canvass.

Announcement of number of ballots.

SECTION 20. When the canvass of the ballots found in the box shall have been completed and the poll clerk shall have announced to the inspector the total number of votes received by each candidate, the chairman of the board of inspectors of election, or in his absence the inspector acting as such, shall proclaim in a loud voice the total number of votes received by each of the persons voted for upon the ballots found in the box, and the office for which they are designated, and such proclamation shall be prima facie evi-

Total number of votes shall be proclaimed.

OF THE CITY OF WILMINGTON.

Proclamation prima facie evidence of result.
 Destroying of ballots

dence of the result of the canvass of such ballots. And after the ballots shall have been counted as aforesaid, and the certificates duly made out, the said ballots shall then be immediately destroyed unless any of the said ballots shall be disputed or rejected, in which case the said disputed or rejected ballots shall be placed with the said certificates in an envelope and sent to the Department of Elections.

Triplicate statements of result of canvass.
 Contents of statement.

SECTION 21. The inspectors of each election district shall make triplicate statements of the result of the canvass and estimate of the votes. Each of the statements shall contain a caption stating the day on which such election was held, the number of the election district in relation to which such statement shall be made, and the time of opening and closing the polls of such election district.

Further statement.
 Statements to be certified.

It shall also contain a statement showing the whole number of votes given for each person, designating the office for which they were given, which statement shall be written, or partly written and partly printed, in words at length, and at the end thereof a certificate that such statement is correct in all respects; which certificates and each sheet of paper forming part of the statement shall be subscribed by the said inspectors and poll clerks.

Inspector or clerk declining to sign returns to state reasons in writing
 How sealed and secured.
 To whom directed.
 Tallies to be sealed.
 To whom directed.
 Envelopes; how endorsed.

If any inspector or poll clerk shall decline to sign any return, he shall state his reason therefor in writing, and a copy thereof, signed by him, shall be enclosed with each return. Each of the statements shall be enclosed in an envelope, which shall then be securely sealed with wax, and each of the inspectors, and each of the poll clerks, shall write his name across every fold at which the envelope, if unfastened, could be opened, and across the seal thereon. One of the envelopes shall be directed on the outside to the clerk of the city council of Wilmington, another to the mayor, and the third to the Department of Elections. Each set of tallies shall also be enclosed, securely sealed, and signed in like manner, and one of the envelopes shall be directed on the outside to the Department of Elections, and the other to the clerk of the city council of Wilmington. On the outside of every envelope shall be endorsed whether it contains the statement or the tallies and for what election district.

Delivery of statements.

SECTION 22. At or before the hour of ten o'clock in the forenoon, on the first Monday after the city election, one of the said inspectors in each election district shall deliver to

OF THE CITY OF WILMINGTON.

the Department of Elections, at its office, the statement directed to it; another inspector shall deliver to the clerk of the city council the statement directed to him, and the third inspector shall deliver to the mayor the statement directed to him. One of the poll clerks shall deliver to the Department of Elections the tally directed to it, and the other poll clerk shall deliver to the clerk of the city council the tally directed to him.

Delivery of
tallies.

And it shall be the duty of the Department of Elections, and its clerk, and of the clerk of the city council, and of the mayor, to be present in their respective offices from the time of closing polls until twelve o'clock midnight of the day of the election, and from the hour of eight o'clock to the hour of ten o'clock in the forenoon of the first Monday after the election.

Duty of certain officers to remain at their respective offices.

In case, for any cause, the clerk of council shall fail to attend at such time and place, the president of council shall attend and receive, take charge of, and safely keep said statements and tallies until delivered to the clerk of council, or to the council at their next stated meeting; and if, for any cause, the mayor shall fail to attend at such time and place, the statement shall be delivered to the city judge of the municipal court for the city of Wilmington at the city hall, who shall take charge of and safely keep said statements until delivered to the mayor.

Who shall attend upon failure of officers named.

SECTION 23. The poll lists kept at such election shall be certified, in writing, by both poll clerks to be a true and correct list of the votes cast at the said election in their respective election districts, and at or before the hour of ten o'clock in the forenoon of the first Monday after the city election shall be filed by such poll clerks, the one in the office of the Department of Elections and the other in the office of the clerk of the city council of Wilmington.

Poll lists; how certified; where to be filed.

SECTION 24. In case any officer to whom any of the papers in the preceding sections are directed to be delivered shall be absent from his office the same may be delivered to the person authorized in such case to attend to his official duty; and the officer or person to whom any envelope containing any statement or tally, or to whom any register, or copy thereof, or poll list shall be delivered, as in this act provided, shall give a receipt therefor to the inspector or poll clerk from whom the same is received, and such receipt shall

Delivery of papers named in preceding section.

OF THE CITY OF WILMINGTON.

Receipt; where to be filed. be filed by said inspector or poll clerk in the office of the city auditor of the city of Wilmington before any payment for his services shall be made.

Public meeting of department for canvassing votes.

Proceedings of.

Delivery of certificates.

Certificates for persons declared elected.

SECTION 25. The members of the Department of Elections shall, on the first Monday following each city election, at the hour of twelve o'clock, noon, meet in public session at the City Hall, in said city of Wilmington, and canvass, declare and certify the result of such elections. The envelopes delivered to said Department of Elections, as provided by this act, shall then, and not till then, be opened by the presiding officer of said department at such session, who shall mark each separate sheet of the statement with the initials of his name, and proclaim and declare the persons elected; and before adjourning, the members of said department shall make two certificates, in writing, under their hands or the hands of a majority of them, showing the state of the vote for mayor, president of council, members of council, assessors and collectors, city treasurer, and for any other city officers, for whom votes shall have been cast (when they or any and all of them shall have been voted for according to law) setting forth particularly the name of every person voted for for said offices respectively, and the number of votes cast for each, and shall seal up each of said certificates separately in a paper with an endorsement thereon describing the certificate enclosed; and the president, or other presiding officer of the Department of Elections, shall, either personally or by person deputed by him, on the first Tuesday following the election as aforesaid, between the hours of ten o'clock in the forenoon and twelve o'clock noon, deliver and lodge one of said certificates in the office of the clerk of the city council of Wilmington and the other in the office of the mayor of said city, and it shall be the duty of the clerk of said council and the mayor of said city, each either in person or by deputy, to be present in their said offices respectively at such time to receive the same.

It shall also be the duty of the Department of Elections or a majority of the members thereof, before the adjournment of said public session on the first Monday following each city election, to make a certificate in writing, signed by them, for each person who has been proclaimed and declared to be elected at said election, which certificate shall be in the following form, viz:

OF THE CITY OF WILMINGTON.

Wilmington, Del., June —, 18—

To ———

Form of
certificate.

The undersigned, members of the Department of Elections, do hereby certify that you have been duly proclaimed and declared by said department to have been elected, at the city election held on the — day of —, 18—, to the office of —.

Said department shall forthwith cause said certificate either to be delivered personally to the person so proclaimed and declared to have been elected or to be mailed to his usual postoffice address. Said certificate shall be *prima facie* evidence of the right of the person to whom it is addressed to hold the office therein mentioned.

Delivery of.

Effect of.

SECTION 26. And the council of said city, at its meeting for organization on the first day of July next ensuing the city election, or, if that day falls on a Sunday, then on the Monday following, shall examine the certificates so delivered to the clerk of city council as aforesaid; and if there be no choice for mayor, president of council, city treasurer, assessor and collector, or for member of council in any of the wards, or any other city officer for whom votes shall have been cast by reason of two or more candidates having an equal and the highest number of votes for any said offices, the council shall proceed to elect one of said candidates for such office for which he is a candidate.

Duty of City
Council to
examine
certificates.Council to
elect in
event of a
tie vote.

SECTION 27. If any candidate for any of the offices before-mentioned shall choose to contest the right of any person claiming to have been elected to such office, such candidate shall, within thirty days next after such election, cause to be presented to the said council of Wilmington, his petition, in writing, setting forth particularly the grounds and specifications upon which said election is contested, together with an affidavit that such petition is not for the purpose of vexation and delay but that he does verily believe that he has just grounds for contesting such election; and shall also, at the same time, cause to be delivered to the person whose election is contested, a true copy of such petition. Upon the filing of such petition and affidavit the council shall appoint a day, not less than ten nor more than fifteen days from the time of filing such petition and affidavit for hearing and determining the same, giving public notice thereof in two newspapers published in the city of Wilmington, if so many be published at that time, and upon the day appointed for such a hearing

Contest of
election.Filing of
petition;
contents of.Council
shall appoint
a day for
hearingNotice by
publication.

OF THE CITY OF WILMINGTON.

Hearing to
be public;
how con-
ducted.

Powers of
the council
in the
premises.

Decision to
be published

Act not to
affect elec-
tions for
members of
Board of
Education.

the said city council shall sit in the city hall, in the presence of such citizens and others as may choose to be present, shall hear the allegations and proofs of the party, and shall determine according to the very right of the matter. Evidence shall be confined to the grounds and specifications set forth in the petition. The council shall have power to issue subpoenas, signed by the president of council for the time being, and attested by the clerk, for persons and papers (including all poll lists, tally lists, statements and certificates delivered to the department of elections, clerk of council, mayor of the city, or any of them), to administer oaths and affirmations, to examine witnesses, and to do all other things requisite to arrive at a full and perfect knowledge as to the right of the case. The decision of the council, signed by its officers, shall be published in two newspapers printed in the city of Wilmington, if so many be published at that time, and shall be final and conclusive.

SECTION 28. That nothing in this act shall be construed to relate to or affect elections for members of "The Board of Public Education" in Wilmington.

Passed at Dover, April 6, 1893.

CHAPTER 728.

OF APPROPRIATIONS.

AN ACT to authorize "The Mayor and Council of Wilmington" to pass an Ordinance making a certain Appropriation of Money.

Preamble.

WHEREAS it is now certain that the appropriation made by "The Council" of the city of Wilmington at the last stated meeting in the month of May, in the year 1892, for the expenses of the police department of the city for the fiscal year beginning on the first day of July A. D. 1892, will be insufficient to meet the necessary, proper and legal expenses of said department;

Further
preamble.

AND WHEREAS a doubt exists as to the legal power of "The Council" to provide for said deficit in said appropriation by an extraordinary appropriation; therefore

OF THE CITY OF WILMINGTON.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof herein concurring):

SECTION 1. That "The Council" of the city of Wilmington is hereby authorized to pass an ordinance making an extraordinary appropriation, not exceeding thirteen thousand dollars, to meet any deficiency in the annual appropriation made for the police department of said city for the current fiscal year, said ordinance to be passed, and said extraordinary appropriation to be paid in the manner provided in Sections 65 and 67 of the act of Assembly entitled "An act to revise and consolidate the statutes relating to the city of Wilmington," passed April 13, 1883, and amendments thereto.

Council authorized to pass an ordinance appropriating a sum of money to meet a deficiency in police department.

Passed at Dover, April 13, 1893.

CHAPTER 729.

OF ELECTIONS.

AN ACT to amend an act entitled "An act to provide for the Registration of Voters in the City of Wilmington," Chapter 39, Volume 19, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein):

SECTION 1. That the act entitled "An act to provide for the registration of voters in the city of Wilmington" be and the same is hereby amended by striking out in line fourteen of Section 1 thereof the words "municipal elections and" The words "municipal elections and" stricken out.

SECTION 2. That Section 2 of the said act be amended by striking out the word "or," in line twenty-four thereof, and inserting between the words "county" and "office" in the same line of the said section the words "or city." Section 2 as amended; when operative. The Section 2 of the act hereby amended, so far as the same is by this section amended, shall not be operative until the second Tuesday in June.

OF THE CITY OF WILMINGTON.

Further
amendment
to Section 2.

SECTION 3. That Section 2 of the said act be further amended by striking out all after the word "president," in line forty-two thereof, and inserting in lieu thereof the following: "Each member of the Department of Elections shall receive as compensation for his services in any year in which there is held a general or special election a salary of five hundred dollars, to be paid as hereinafter provided. And each of the said members shall receive from the city of Wilmington, as compensation for his services in any year in which there is held a municipal election, a salary of five hundred dollars, payable as other municipal election expenses are paid."

Compensation of members of Department of Elections.

Clause 9 of Section 3 amended.

SECTION 4. That clause 9 of Section 3 of the said act be amended by striking out all between the word "parties" in line twelve thereof and the word "and" in line sixteen thereof.

Clause 10 of Section 3 amended.

SECTION 5. That clause 10 of Section 3 of said act be amended by striking out all between the word "election" in the sixteenth line thereof and the word "inspectors" in the twenty-second line thereof.

Section 12 amended.

Challengers may be admitted to registration or election room to give testimony.

SECTION 6. That Section 12 of the said act be amended by adding thereto the following: "And any said qualified voter or voters, in the exercise of the privilege of challenge hereby given, shall be admitted to the registration or election room to give his or their testimony, and the said voter or voters, having given his or their testimony, shall withdraw immediately upon the command of the inspector."

Section 45 amended.

Refusal of police officer to obey lawful command of Board of Inspectors shall forfeit office of such police officer.

SECTION 7. That Section 45 of the said act be amended by adding thereto the following: "And if any policeman or officer of police of the city of Wilmington willfully disobeys any lawful command of any board of inspectors of election in the exercise of their duty as such at any election as aforesaid, and upon conviction thereof, by the municipal court of the city of Wilmington, he shall, in addition to the punishment by this act imposed, forfeit his office or position upon the police force and be ineligible for a period of one year."

Passed at Dover, April 13, 1893.

OF THE CITY OF WILMINGTON.

CHAPTER 730.

OF BOUNDARIES.

AN ACT to Further Extend the Boundaries of the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

SECTION 1. That the boundaries of the city of Wilmington be and they are hereby further extended so as to include the territory bounded and described as follows, to wit:

Boundaries
of Wilmington
further
extended.

Beginning at a point in the centre of the Philadelphia and Wilmington turnpike road, and also in the centre line of a new street or road called East Lawn avenue, laid out through lands now or formerly of George W. Talley, deceased; thence by the centre line of said East Lawn avenue south thirty-three degrees east four thousand six hundred and twenty-five (4625) feet, passing through lands of said George W. Talley, deceased, and land of the Philadelphia, Wilmington and Baltimore Railroad Company to the middle of Shellpot creek; thence down the middle thereof by its various courses to the present line of the city of Wilmington; thence northwesterly by said city line to a point where it intersects the centre line of the Concord turnpike road or Elliot avenue extended; thence by the centre line of said Concord turnpike road or Elliot avenue extended north one quarter of a degree west five hundred and seventy (570) feet to the centre line of the Baltimore and Philadelphia railroad; thence northerly by the centre line of said railroad one thousand five hundred and ninety (1590) feet to a stake; thence south thirty-six degrees east four thousand two hundred and fifty-seven (4257) feet to the centre of the Philadelphia and Wilmington turnpike road; and thence thereby southerly thirty (30) feet to the place of beginning.

Boundaries
of lands
hereby
brought
within the
city limits.

SECTION 2. Within the limits of the city of Wilmington extended by this act the mayor and council of Wilmington shall be vested with all power, rights, privileges and immunities which before this time belonged to them as a municipal corporation, and all the laws, ordinances and regulations in force within the former city limits, and not locally inapplicable, shall be extended and applied to the

Government
of city ex-
tended to
apply to ter-
ritory em-
braced by
Section 1 of
this act.

OF THE CITY OF WILMINGTON.

new territory comprised within the boundaries as set forth in the first section as this act.

SECTION 3. The real estate by this act added to and included within the city limits, and all persons now or hereafter residing within said new boundaries, shall be subject to assessment for municipal taxes in the same manner and subject to the same rights, rules and restrictions as in other cases within the said city, *provided, however,* that the rate of taxation of said real estate, except that portion hereof which has been expressly exempted therefrom, shall be for the period of five years ensuing the passage of this act at one-third the rate of taxation on city property generally, and for the ensuing five years thereafter at the rate of one half the rate on city property generally, and thereafter at full rate.

Real estate in said territory, and persons residing within said boundaries, subject to municipal taxation. Proviso. Reduced rate of taxation for five years. Rate for ensuing five years.

SECTION 4. The new territory hereby added to the said city of Wilmington shall be a part and parcel of the Ninth ward thereof.

Acquired territory to form part of Ninth Ward.

SECTION 5. All acts or part of acts inconsistent with the provisions of this act, be and the same are hereby repealed.

Inconsistent acts repealed.

Passed at Dover, April 14, 1893.

CHAPTER 731.

OF MUNICIPAL POLICE COMMISSION.

AN ACT to provide for a Municipal Police Commission for the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. The police department of the city of Wilmington shall, on and after the first day of May, A. D. eighteen hundred and ninety-three, be under the control and management of a board of police commissioners, to be composed of three sober and discreet persons, to be appointed as hereinafter designated.

Police department; how controlled after May 1, 1893.

OF THE CITY OF WILMINGTON.

SECTION 2. That William M. Pyle, Patrick Monaghan, and John W. Lawson, of the city of Wilmington and State of Delaware, are hereby appointed and constituted a "Board of Police Commissioners" for the said city, under this act, with full powers to act as such for the terms of two, four and six years respectively, or until their successors shall be duly appointed. And the said William M. Pyle, hereby appointed, shall serve for the term of two years from and after the said first day of May, or until his successor shall be appointed; and the said Patrick Monaghan, hereby appointed, shall serve for the term of four years from and after the said first day of May, or until his successor shall be appointed; and the said John W. Lawson, hereby appointed, shall serve for the term of six years from and after the said first day of May or until his successor shall be appointed. At the expiration of the term of office of either of the said commissioners so appointed the vacancies shall be filled by the associate judge of the Supreme* Court, resident in the county of New Castle of the State of Delaware, by the appointment of a suitable person, who shall have been chosen at least thirty days next preceding the expiration of the said term of office. Such person so appointed shall hold office for and during the term of six years from the first day of May next ensuing, or until his successor shall have been appointed. The board of police commissioners shall have power to fill and shall fill any vacancies in the said board of police commissioners caused by the death, resignation or incapacity to serve of any of the three said commissioners appointed as aforesaid. The said appointment shall only be for the residue of the unexpired term. No person shall be eligible to appointment as a member of the said board who shall not be a citizen of the United States, a qualified voter of this State, and a resident of the city of Wilmington for the five years last preceding his appointment. Any member of the said board may be removed for cause after trial, by a two-third vote of the whole "City Council." The reason of removal shall be entered in the journal. No person shall hold any other municipal office while serving as a member of the said board, and all the members of the said board shall not at one time belong to the same political party. Before entering upon the duties of office as commissioner, each member of the said board shall enter into bond to the mayor and council of Wilmington, with one or more sureties, in the penalty of ten thousand dollars, conditional for the faithful discharge of his official

Board of
Police Com-
missioners;
members of.

Term of
office.

Successors
in office; by
whom ap-
pointed.

Board of
Police Com-
missioners
may fill
vacancies
for unexpir-
ed term.

Qualifica-
tions of
members.

Removal
for cause.

Commis-
sioners not
to belong to
same politi-
cal party.

Bond of
commis-
sioners.

*So enrolled.

OF THE CITY OF WILMINGTON.

Bond to be
approved
and
recorded.

Oaths of
office of
commis-
sioners.

Oath to be
recorded.

Organiza-
tion of
Board.

Duties of
Board of
Police Com-
missioners.

Powers and
authority of
Board.

duties, the said bond to be approved by the judge of the city court of the city of Wilmington, to be kept and recorded by the clerk in the office thereof, together with the certificate of appointment aforesaid, and shall also take and subscribe before the said judge of the said court, in addition to any oath required to be taken by other municipal officers, the further oath or affirmation, that in every appointment or removal to be made by the said board, to or from the police force, created and to be organized by them under this act, he will in no case, and under no pretext, appoint or remove any policeman or officer or other person for any other cause or reason than fitness or unfitness, the qualification or disqualification, as the case may be, of such person, officer or policeman, in the best judgment of the said commissioner, for the place to which he shall be appointed or from which he shall be removed; and the said oath or affirmation shall be recorded and preserved among the records of the said court.

SECTION 3. The said board of police commissioners shall elect their own president, and the chief of police for the city of Wilmington for the time being shall be the secretary of the said board.

SECTION 4. The duties of the said board of police commissioners, hereby created, shall be as follows:

They shall, at all times of the day and night, within the boundaries of the city of Wilmington, preserve the public peace, prevent crime, arrest offenders, protect the rights of persons and the rights of property, guard the public health, preserve order at primary meetings and elections and at all public meetings and conventions and on all public occasions, prevent and remove nuisances in all public streets and highways and all other places, provide proper police force at every fire for the protection of firemen and property, and enforce all laws of the State, and all laws and ordinances, rules and regulations of the city of Wilmington properly enforceable by a police force. In carrying out and effecting the purposes and object of this act the said board of police commissioners shall be clothed with all the powers and stand in the same position in relation to the organization, control and management of the police force as that occupied by the mayor and board of police commissioners created under the act which is hereby repealed, and shall, after the first day of May A. D. 1893, so far as the purposes and objects of this act are concerned, be substituted for the commissioners afore-

OF THE CITY OF WILMINGTON.

said, with the same rights, powers, privileges and authorities as were before the passage of this act, by any means and in any manner whatsoever, vested in the aforesaid commissioners.

SECTION 5. The said board of police commissioners are hereby given entire jurisdiction and control over the fire alarm and police telegraph system of the city of Wilmington, and shall from the time of their organization have entire management of the instruments and batteries connected therewith, and shall have the appointment of all officials whose duties pertain to the same, and the power to discharge any or all of the said officials, whenever in their judgment the public interest may require it. The salaries of such officials shall remain the same as are now provided by law. All the offices and rooms which are now used for police purposes, as well as for the fire alarm and police telegraph system, shall from the said first day of May next be under the management and control of the said board of police commissioners.

Police Commissioners given jurisdiction over fire alarm and police telegraph system.

Control of offices and rooms used for police purposes.

SECTION 6. The said members of the said board of police commissioners shall be paid for their services yearly salaries in the sum of five hundred dollars each, payable quarterly. The said board of police commissioners are hereby authorized and required, immediately on entering upon the duties of their office, to appoint, enroll and employ a permanent police force for the city of Wilmington, which they shall uniform and equip as they may deem necessary under rules and regulations which they may from time to time prescribe; and the said board shall have power to remove any officer of police, policeman, or other person from the force for the violation of any rule or regulation which they may make. The said police force shall consist of one chief of police, two captains of police, and such number of sergeants as may be deemed necessary for each police district in the said city, and sixty men; which police force may be increased by the said board from time to time, provided there is passed, by a majority vote of the "City Council," a resolution recommending the same. The qualifications for positions of officer of police and policeman shall be good moral character, sobriety, citizenship in the United States and the State of Delaware, ability to read and write, and physical strength and courage. No person who has been convicted of a crime of felony shall be eligible to the position of officer of police or policeman. The pay of the ordinary policeman shall be seven hundred and

Compensation of commissioners.

Commissioners required to appoint and equip permanent police force.

Power to remove police officers.

Officers of the police force.

Qualifications of police officers.

Compensation of ordinary policeman.

OF THE CITY OF WILMINGTON.

sixty dollars per annum, and the said salaries shall be paid monthly; officers of the police shall be paid monthly, and they shall receive the following amounts respectively: Chief of police shall receive twelve hundred dollars per annum; each captain shall receive nine hundred dollars per annum, and each sergeant of police shall receive eight hundred dollars per annum. The salaries of the officers of police and police officers, fixed by this act, shall not be increased by the said board of police commissioners unless upon a resolution from the "City Council," passed by a majority vote thereof, "recommending the same." No member of the police force shall receive any other compensation for his services on the police force, nor as informer, from the city, or any person or individual, for the performance of any duty connected with his position. Any person, other than a member of the police department, who shall publicly use such badges and uniforms as the board of police commissioners may prescribe for the use of such members, or shall make use of the whistles, calls, or other modes of signaling that are used by the police department, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay to the State of Delaware a fine of not less than five dollars or more than twenty dollars.

Compensation of officers of the police.

Salaries of officers of police not to be increased except by recommendation of "City Council."

Additional compensation prohibited.

Misdemeanor to use badges, etc., prescribed by police department.

Penalty.

Officer of police shall not enter drinking saloon except in the discharge of his duties.

Shall not be a delegate to political convention, etc.

Shall not be within thirty feet of voting place. Exception

Violation of these provisions shall forfeit position.

Duty of Board to dismiss. Record of cause.

SECTION 7. No chief of police, officer of police or policeman shall, while on duty, enter any drinking saloon or other place where liquors are to be sold to be drunk on the premises except in the discharge of his duties, under penalty of immediate dismissal; no officer of police or policeman shall be a member of any political committee or be a delegate to any political convention, or shall be present at any such convention, or at any primary, special or general election, except in full official uniform discharging the duties of his office, or shall at such place or in any public place engage in any political solicitation; nor shall any such officer of police or policeman, nor any special officer on the day of any election held within the limits of the said city, be within the distance of thirty feet of any voting place, except for the purpose of depositing his vote or to quiet an actual disturbance of the public peace, nor shall he in any manner attempt to influence a voter as to the casting of his ballot; and any violations as to the provisions of this section shall work a forfeiture of his position, and it shall be the duty of the said board of police commissioners to dismiss him from office and enter upon the record the cause of such dismissal, and he shall not be eligi-

OF THE CITY OF WILMINGTON.

ble for reappointment. Any violation of the provisions of this section shall also be a misdemeanor, and any such officer of police or policeman being convicted thereof shall forfeit and pay to the State of Delaware a fine not exceeding one hundred dollars or be imprisoned for a term not exceeding six months, or both, at the discretion of the court. Upon complaint made against any such member of the police force to the municipal court, verified by affidavit, if the said policeman or officer of police, after hearing, shall be committed or bound for his appearance at the Court of General Sessions of the Peace and Jail Delivery to answer the charge, such officer of police or policeman shall be suspended from the force during trial.

Violation
also a mis-
demeanor.

Penalty.

Officer
shall be sus-
pended dur-
ing trial.

SECTION 8. The ordinances, rules and regulations of the said city now in force relating to the police department shall remain in force until the same are changed in whole or in part by the said board of police commissioners. The secretary of the said board shall keep a correct copy of all bills for expenses which shall be approved by the said board before payment.

Ordinances,
rules, etc.

Secretary
shall keep
copy of bills
for expenses

SECTION 9. The said board of police commissioners shall appoint two suitable women as matrons at the station house in the said city, one for day service and one for night service, and shall supply them with a furnished office room in the said station house. The said matrons shall be subject to removal for cause, after hearing by the said board, which is invested with exclusive jurisdiction in the premises. The duties of such matrons shall be to give such care and advice and perform such other public duties as may be requested and proper to female prisoners and refugees confined in the said station house.

Duty of
commission-
ers to ap-
point ma-
trons for
station
house.

Removals;
how effected

Duties of
matrons.

SECTION 10. The said board of police commissioners are hereby authorized to appoint and commission, annually, a physician of integrity and capacity, resident of the city of Wilmington, who shall have practiced therein the profession of medicine at least three years next preceding the date of his commission, to act as physician of the board of police commissioners for the said city, under such rules and regulations as the said board may prescribe for his conduct. The duties of such physician shall be to examine thoroughly all applicants for positions on the police force of the said city, and to test their entire fitness in every respect for the said positions; to visit all policemen, officers of police and turn-

Commis-
sioners au-
thorized to
appoint a
physician;
for the
Board of
Police Com-
missioners.

Duties of
physician.

OF THE CITY OF WILMINGTON.

Compensation of officers of the police. sixty dollars per annum, and the said salaries shall be paid monthly; officers of the police shall be paid monthly, and they shall receive the following amounts respectively: Chief of police shall receive twelve hundred dollars per annum; each captain shall receive nine hundred dollars per annum, and each sergeant of police shall receive eight hundred dollars per annum. The salaries of the officers of police and police officers, fixed by this act, shall not be increased by the said board of police commissioners unless upon a resolution from the "City Council," passed by a majority vote thereof, "recommending the same." No member of the police force shall receive any other compensation for his services on the police force, nor as informer, from the city, or any person or individual, for the performance of any duty connected with his position. Any person, other than a member of the police department, who shall publicly use such badges and uniforms as the board of police commissioners may prescribe for the use of such members, or shall make use of the whistles, calls, or other modes of signaling that are used by the police department, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay to the State of Delaware a fine of not less than five dollars or more than twenty dollars.

Salaries of officers of police not to be increased except by recommendation of "City Council."

Additional compensation prohibited.

Misdemeanor to use badges, etc.; prescribed by police department.

Penalty.

SECTION 7. No chief of police, officer of police or policeman shall, while on duty, enter any drinking saloon or other place where liquors are to be sold to be drunk on the premises except in the discharge of his duties, under penalty of immediate dismissal; no officer of police or policeman shall be a member of any political committee or be a delegate to any political convention, or shall be present at any such convention, or at any primary, special or general election, except in full official uniform discharging the duties of his office, or shall at such place or in any public place engage in any political solicitation; nor shall any such officer of police or policeman, nor any special officer on the day of any election held within the limits of the said city, be within the distance of thirty feet of any voting place, except for the purpose of depositing his vote or to quiet an actual disturbance of the public peace, nor shall he in any manner attempt to influence a voter as to the casting of his ballot; and any violations as to the provisions of this section shall work a forfeiture of his position, and it shall be the duty of the said board of police commissioners to dismiss him from office and enter upon the record the cause of such dismissal, and he shall not be eligible.

Officer of police shall not enter drinking saloon except in the discharge of his duties.

Shall not be a delegate to political convention, etc.

Shall not be within thirty feet of voting place. Exception

Violation of these provisions shall forfeit position.

Duty of Board to dismiss. Record of cause.

OF THE CITY OF WILMINGTON.

ble for reappointment. Any violation of the provisions of this section shall also be a misdemeanor, and any such officer of police or policeman being convicted thereof shall forfeit and pay to the State of Delaware a fine not exceeding one hundred dollars or be imprisoned for a term not exceeding six months, or both, at the discretion of the court. Upon complaint made against any such member of the police force to the municipal court, verified by affidavit, if the said policeman or officer of police, after hearing, shall be committed or bound for his appearance at the Court of General Sessions of the Peace and Jail Delivery to answer the charge, such officer of police or policeman shall be suspended from the force during trial.

Violation
also a mis-
demeanor.

Penalty.

Officer
shall be sus-
pended dur-
ing trial.

SECTION 8. The ordinances, rules and regulations of the said city now in force relating to the police department shall remain in force until the same are changed in whole or in part by the said board of police commissioners. The secretary of the said board shall keep a correct copy of all bills for expenses which shall be approved by the said board before payment.

Ordinances,
rules, etc.

Secretary
shall keep
copy of bills
for expenses

SECTION 9. The said board of police commissioners shall appoint two suitable women as matrons at the station house in the said city, one for day service and one for night service, and shall supply them with a furnished office room in the said station house. The said matrons shall be subject to removal for cause, after hearing by the said board, which is invested with exclusive jurisdiction in the premises. The duties of such matrons shall be to give such care and advice and perform such other public duties as may be requested and proper to female prisoners and refugees confined in the said station house.

Duty of
commission-
ers to ap-
point ma-
trons for
station
house.

Removals;
how effected

Duties of
matrons.

SECTION 10. The said board of police commissioners are hereby authorized to appoint and commission, annually, a physician of integrity and capacity, resident of the city of Wilmington, who shall have practiced therein the profession of medicine at least three years next preceding the date of his commission, to act as physician of the board of police commissioners for the said city, under such rules and regulations as the said board may prescribe for his conduct. The duties of such physician shall be to examine thoroughly all applicants for positions on the police force of the said city, and to test their entire fitness in every respect for the said positions; to visit all policemen, officers of police and turn-

Commis-
sioners au-
thorized to
appoint a
physician;
for the
Board of
Police Com-
missioners.

Duties of
physician.

OF THE CITY OF WILMINGTON.

keys who may be returned as sick, and report their condition to the said board, and to perform all other professional duties in connection with the said department and police force as the said board may from time to time direct. The annual salary of the said physician shall be the sum of three hundred dollars, payable in equal monthly installments; but the tenure of the office of the said physician shall be determinable within the appointed year for cause by a majority vote of the said board and under their exclusive direction, and the said physician shall be compensated only up to the time of such determination of his office and at the rate of the annual salary aforesaid.

Salary of
physician.

Term of
office
terminable
for cause.

Contingent
fund of
Board.

SECTION 11. The said board of police commissioners shall be allowed an annual contingent fund of one thousand dollars to conduct detective secret service or other work pertaining to the police department, when in their judgment it is necessary.

Expenses of
department;
how paid.

SECTION 12. All expenses of the police department, including salaries, shall be paid by "The Council" upon bills presented to it, marked with the approval of the board of police commissioners, and properly audited by the city auditor in the same manner as other bills against the said city are now passed.

Inconsistent
acts re-
pealed.

When act to
be operative

SECTION 13. Chapter 223, Volume 19, Laws of Delaware, and all other laws and ordinances inconsistent herewith are hereby repealed; *and it is further provided* that the provisions of this act shall not be operative until the first day of May A. D. 1893.

Passed at Dover, April 18, 1893.

OF THE CITY OF WILMINGTON.

CHAPTER 732.

OF BUTTONWOOD STREET.

AN ACT to vacate a portion of Buttonwood street, in the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof herein concurring):

SECTION 1. For the purpose of allowing the Wilmington Malleable Iron Company to enlarge and extend its buildings on Buttonwood street in the city of Wilmington, so much of said Buttonwood street as lies between the northerly building line of Taylor street and the southerly building line of Ninth street is hereby vacated; and the Wilmington Malleable Iron Company is hereby authorized to enclose and build upon the same; *provided* that, upon the failure of the Wilmington Malleable Iron Company, its successors or assigns, within three months after the passage of this act, to use and occupy said Buttonwood street for the purposes herein mentioned then said act to be void and of no effect; *and provided also* that whenever the said Wilmington Malleable Iron Company, its successors or assigns, shall cease to occupy and use the buildings erected upon said Buttonwood street for business purposes, then this act to be void and of no effect, and the said street shall be opened by the board of directors of the street and sewer department for public travel.

Purpose of the act.

Portion of street vacated.

Wilmington Malleable Iron Co. authorized to build on same.

Proviso.

Further proviso.

SECTION 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Inconsistent acts repealed.

Passed at Dover, April 19, 1893.

OF THE CITY OF WILMINGTON.

CHAPTER 733.

OF HARBORS.

AN ACT to amend Chapter 588, Volume 17, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein):

Section 6 of
Chap. 588,
Vol. 17,
amended.

SECTION 1. Amend Section 6 of the act entitled "An act for the protection of the harbor of Wilmington and the improvement of the navigation of waters thereof," Chapter 588, Volume 17, Laws of Delaware, by inserting between the words "aforesaid" and "provided," in line seven thereof, the following:

Piers,
wharves,
etc may be
erected
when a
public
necessity.

"Unless it appear to the board of port wardens that the erecting, placing and maintaining such piers, wharf, bulk-head, or other structure, is a public necessity (is of interest to parties otherwise hindered in such erection), or is a benefit to navigation, and the consent of said board of port wardens is obtained thereto."

Inconsistent
acts re-
pealed.

SECTION 2. Any act or parts of this or other acts inconsistent with this act is hereby repealed.

Passed at Dover, April 26, 1893.

CHAPTER 734.

OF FREE LIBRARY.

AN ACT respecting a Free Library and to increase the Usefulness of the Schools of Wilmington.

Preamble.

WHEREAS it is proposed to make the library and reading rooms of the Wilmington Institute, under such regulations as the managers of the said institute may adopt, free for the use of citizens of Wilmington, and as the free use of the

OF THE CITY OF WILMINGTON.

library in connection with schools will add to their value; therefore,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

SECTION 1. That from and after such time as the Wilmington Institute shall cause its library and reading rooms to be opened to the use of citizens of Wilmington, and shall thereafter keep the same open, without requiring any payment from individuals therefor, and shall apply the entire net income from the property of the institute to be used in their management, maintenance and extension, and shall cause the accounts of its treasurer to be open to the inspection and audit of the State Auditor, and also shall make the mayor and the president of the council, the chairman of the finance committee of the council, the president of the board of public education, the chairman of the committee on teachers of said board, and the superintendent of public schools, all of the city of Wilmington, members of its board of managers, and after the council of Wilmington shall by resolution have accepted the provisions of this act, it shall be the duty of said board of public education to pay monthly to said institute, on or before the 20th day of each month, a sum to be used in the management, maintenance and extension of such free library and reading rooms.

Board of Public Education to pay a sum monthly for maintenance of Institute library and reading rooms after certain conditions are complied with.

SECTION 2. The sum to be paid, as provided in Section 1, shall be, during the first year, at the rate of five thousand dollars a year, and shall increase each year thereafter by an addition of five per cent. of the amount paid during the preceding year; *provided* such increase shall not at any time make the amount paid in a month greater than a sum equal to one cent for each inhabitant of Wilmington; in which case the sum to be so paid shall be equal to one cent for each inhabitant of said city; the estimate of the number of inhabitants to be made as the board of public education may direct, and the amounts herein required to be paid shall be specified by the board of public education, and raised and appropriated by the council under the provisions of an act to revise and consolidate the statutes relating to the city of Wilmington, passed at Dover, April 13th, 1883, as additions to the sums required to be raised and appropriated for ordinary and current expenses of schools under the provisions of said act.

Sum of \$5,000 to be paid the first year.

Yearly increase of 5 per cent. Proviso.

Ultimate sum to be appropriated.

How funds shall be raised and appropriated.

OF THE CITY OF WILMINGTON.

Property ex-
empted from
taxation.

SECTION 3. That after the library and reading rooms of the Wilmington Institute shall have been made free, in accordance with the provisions of this act, the property of said institute used by or for the benefit of the library and reading rooms shall be exempt from all taxes imposed by authority of the State of Delaware.

Managers
may make
by-laws.

SECTION 4. That the managers of the said institute shall have power to make by-laws and rules for the government of the library and reading rooms.

Passed at Dover, April 26, 1893.

CHAPTER 735.

OF HIGHWAYS.

AN ACT to Amend Chapter 209 of Volume 19 of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met: (two-thirds of each branch thereof herein concurring):

Section 3.
Chap. 209,
Volume 19,
amended.

SECTION 1. That Section 3 of Chapter 209 of Volume 19 of the Laws of Delaware be and the same is hereby amended by striking out all that portion of said section between the word "highways," in the seventeenth line, and the word "provided," in the twenty-second line, and inserting in lieu thereof the following words to wit: "Only the front of such property, together with the area, shall be liable

When whole
assessment
to be made.

for such assessment, and the whole assessment shall be made on the completion of any portion of a sewer either in front or on the side of such property, so as to make the said prop-

Proviso.

erty accessible to such sewer; *and provided further* that the said board of directors of the street and sewer department shall determine in all cases what portion of a property shall be considered as side frontage, (unless said property has been divided into building lots, and a plot thereof filed in the city engineering and surveying department, or published, or both, then in such case the side frontage shall be determined by such plan; *provided further*, however, that should the

Department
to determine
side front-
age.

OF THE CITY OF WILMINGTON.

owner or owners of such corner property decide, after the above assessments are made or paid, to make the side of such property, as determined by the said board, the frontage of such property, then in such case the owner or owners of such corner property shall pay such additional sum of money as the said board of directors may determine upon, in accordance with the provisions of the aforesaid act." Payment of additional sum.

SECTION 2. That Section 5 of Chapter 209 of Volume 19 of the Laws of Delaware be and the same is hereby amended by striking out the word "thirty," in the tenth line of such section, and inserting in lieu thereof the word "sixty"; and between the words "presented" and "upon," in the thirteenth line of said section, insert the following words, to wit: "and upon all assessments paid after sixty days, and on or before ninety days after presentation of the bill, the face of the bill will be payable"; and in the fourteenth line of said section strike out the word "thirty" and insert in lieu thereof the word "ninety"; and between the words "from" and "the," in sixteenth line of said section, insert the following words, to wit: "ninety days after" Section 5 amended.

SECTION 3. That Section 6 of Chapter 209 of Volume 19 of the Laws of Delaware be and the same is hereby amended by adding to the end of such section the following words, to wit: "*And be it further provided* that all properties, or portions of properties abutting upon any navigable stream within the city, and lying between said stream and the first street, highway, lane or alley lying back from and in or near unto the same direction with the said stream, shall not be liable for any sewer assessments whatever, unless said property, or any portion thereof, desires the use of public sewer, in which case said property shall be liable for the same assessments as hereinbefore provided." Face of bill payable after sixty days.

SECTION 4. That the board of directors of the street and sewer department are hereby authorized to alter or modify any and all assessments heretofore made for the cost of constructing sewers in accordance with the act hereby amended so as to adjust said assessments in accordance with the above amendments, and out of any moneys received for current expenses to refund to the person or persons who have paid such sewer assessments so as to conform to the said amendments. *Provided* that such alterations or modifications shall not invalidate the said assessments or the lien thereof. Properties abutting on navigable stream not liable for sewer assessments. Exceptions.

Board of Directors authorized to modify assessments heretofore made.

Proviso.

Passed at Dover, April 26, 1893.

OF THE CITY OF WILMINGTON.

CHAPTER 736.

OF HIGHWAYS.

AN ACT to alter the direction of and to Vacate Portions of Certain Streets in the Ninth Ward of the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring herein):

Courses of streets intersected by "The Boulevard" altered.

SECTION 1. That the present courses and directions of portions of certain streets hereinafter named, intersected by a new street called the Boulevard, recently laid out in the ninth ward of the city of Wilmington, be and the same are hereby altered as follows:

Nineteenth street, east. The new course and direction of Nineteenth street lying east of the Boulevard and immediately contiguous thereto, shall hereafter be as follows, to wit:

Course of Nineteenth street east.

Beginning at a point in the centre line of the Boulevard, (275) two hundred and seventy-five feet northerly from the centre stone at the intersection of Eighteenth street and the Boulevard; thence southeasterly at right angles to the centre line of the Boulevard until this centre line intersects the centre line of Nineteenth street as at present laid out.

Width of street

That part of Nineteenth street, thus laid out, shall be fifty feet wide, measured at right angles to the centre line of said street.

Nineteenth street, west. The new course and direction of Nineteenth street lying west of the Boulevard and immediately contiguous thereto, shall hereafter be as follows, to wit:

Course of Nineteenth street west.

Beginning at a point in the centre line of the Boulevard (450) four hundred and fifty feet northerly from the centre stone at the intersection of Eighteenth street and the Boulevard; thence northwesterly at right angles to the centre line of the Boulevard until this centre line intersects the centre line of Nineteenth street as at present laid out.

Width of street.

That part of Nineteenth street thus laid out shall be fifty feet wide, measured at right angles to the centre line of said street.

OF THE CITY OF WILMINGTON.

Twentieth street, east. The new course and direction of Twentieth street lying east of the Boulevard and immediately contiguous thereto shall hereafter be as follows, to wit:

Beginning at the centre stone where the centre line of Madison street intersects the centre line of Twentieth street as at present laid out; thence northwesterly in a line drawn at right angles to the centre line of the Boulevard until said Twentieth street intersects the centre line of the Boulevard.

Course of
Twentieth
street east.

That part of Twentieth street thus laid out shall be fifty feet wide, measured at right angles to the centre line of said street.

Width of
street.

Twentieth street, west. The new course and direction of Twentieth street lying west of the Boulevard, and immediately contiguous thereto shall hereafter be as follows, to wit:

Beginning at the centre stone where the centre line of Monroe street intersects the centre line of Twentieth street, thence southeasterly in a line drawn at right angles to the centre line of the Boulevard until the said Twentieth street intersects the centre line of the Boulevard.

Course of
Twentieth
street west.

That part of Twentieth street, thus laid out, shall be sixty feet wide, measured at right angles to the centre line of said street.

Width of
street.

Twenty-first street, east. The new course and direction of Twenty-first street, lying east of the Boulevard and immediately contiguous thereto, shall hereafter be as follows, to wit:

Beginning at a point in the centre line of the Boulevard (960) nine hundred and sixty feet northerly from the centre stone at the intersection of Eighteenth street and the boulevard; thence southeasterly at right angles to the centre line of the Boulevard until this centre line intersects the centre line of Twenty-first street as at present laid out.

Course of
Twenty-
first street
east.

That part of Twenty-first street, thus laid out, shall be fifty feet wide, measured at right angles to the centre line of said street.

Width of
street.

Twenty-first street, west. The new course and direction of Twenty-first street lying west of the Boulevard and immediately contiguous thereto, shall hereafter be as follows, to wit:

OF THE CITY OF WILMINGTON.

Course of
Twenty-
first street
west.

Beginning at a point in the centre line of the Boulevard (1190) eleven hundred and ninety feet northerly from the centre stone at the intersection of Eighteenth street and the Boulevard; thence northwesterly at right angles to the centre line of the Boulevard until this centre line intersects the centre line of Twenty-first street, as at present laid out.

Width of
street.

That part of Twenty-first street thus laid out shall be fifty feet wide, measured at right angles to the centre line of said street.

Twenty-second street east. The new course and direction of Twenty-second street lying east of the Boulevard and immediately contiguous thereto shall hereafter be as follows, to wit:

Course of
Twenty-
second
street east.

Beginning at the centre stone where the centre line of Monroe street intersects the centre line of Twenty-second street; thence northwesterly in a line drawn at right angles to the centre line of the Boulevard until the said Twenty-second street intersects the centre line of the Boulevard.

Width.

That part of Twenty-second street thus laid out, shall be sixty feet wide, measured at right angles to the centre line of said street.

Twenty-second street west. The new course and direction of Twenty-second street lying west of the Boulevard and immediately contiguous thereto, shall hereafter be as follows, to wit:

Course of
Twenty-
second
street west.

Beginning at the centre stone where the centre line of Wooddale avenue intersects the centre line of Twenty-second street; thence southeasterly in a line drawn at right angles to the centre line of the Boulevard until the said Twenty-second street intersects the centre line of the Boulevard.

Width.

That part of Twenty-second street thus laid out shall be sixty feet wide, measured at right angles to the centre line of said street.

Twenty-third street east. The new course and direction of Twenty-third street lying east of the Boulevard and immediately contiguous thereto, shall hereafter be as follows, to wit:

Course of
Twenty-
third street
east.

Beginning at a point in the centre line of the Boulevard (1760) seventeen hundred and sixty feet northerly from the centre stone at the intersection of Eighteenth street and the Boulevard; thence southeasterly at right angles to the centre

OF THE CITY OF WILMINGTON.

line of the Boulevard until this center line intersects the centre line of Twenty-third street as at present laid out.

That part of Twenty-third street thus laid out shall be ^{Width.} fifty feet wide, measured at right angles to the centre line of said street.

Twenty-third street west. The new course and direction of Twenty-third street lying west of the Boulevard and immediately contiguous thereto, shall hereafter be as follows, to wit:

Beginning at a point in the centre line of the Boulevard (1960) nineteen hundred and sixty feet northerly from the centre stone at the intersection of Eighteenth street and the Boulevard; thence northwesterly at right angles to the centre line of the Boulevard until this centre line intersects the centre line of Twenty-third street as at present laid out. ^{Course of Twenty-third street west.}

That part of Twenty-third street thus laid out shall be ^{Width.} fifty feet wide, measured at right angles to the centre line of said street.

Wooddale avenue, east. The new course and direction of Wooddale avenue lying east of the Boulevard and immediately contiguous thereto, shall hereafter be as follows, to wit:

Beginning at the intersection of the centre line of Wooddale avenue with the centre line of Elliot avenue; thence ^{Course of Wooddale Avenue east.} westerly and at right angles to the centre line of Elliott avenue until the said Wooddale avenue intersects the centre line of the Boulevard.

That part of Wooddale avenue thus laid out shall be ^{Width.} sixty feet wide, measured at right angles to the centre line of said avenue.

SECTION 2. That Madison street between Eighteenth ^{Streets vacated.} street and Twenty-first street; Monroe street between Twentieth street and Twenty-second street; Wooddale avenue between Twenty-second street and Elliot avenue, and Twenty-fourth street between Elliot avenue and Park Lane, as at present laid out, be and the same are hereby vacated.

SECTION 3. That all acts and parts of acts inconsistent ^{Inconsistent acts repealed.} herewith, be and the same are hereby repealed.

Passed at Dover, April 28, 1893.

OF THE CITY OF WILMINGTON.

CHAPTER 737.

OF INSPECTOR OF MEATS.

AN ACT providing for an Inspector of Meats for the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the legislature concurring herein):

Office of
Inspector of
Meats cre-
ated.

Qualifica-
tions of
officer.

Duties of
Inspector of
Meats.

Not to en-
gage in
other busi-
ness during
term.

George
Able*
appointed.

Term of
office.

Council to
elect suc-
cessor and
fill vacan-
cies.

SECTION 1. There shall be an officer of the city of Wil-
mington to be known and designated as inspector of meats,
who shall have been at the time of his appointment or elec-
tion, as hereinafter provided, a practical butcher by trade for
at least ten years prior to his appointment or election, and
shall be a citizen and qualified voter of this State and a resi-
dent of the city of Wilmington.

SECTION 2. The duties of such inspector of meats shall
be to inspect, at any place within said city, all cattle, swine,
sheep, or other animals used for food, to prevent the slaughter
for food of diseased animals, to prevent the sale or use for
food of diseased, tainted or unwholesome meats, and to cause
the same, when found, to be destroyed, to cause the arrest
and trial of persons exposing or offering the same for sale,
and to perform such other duties as are now or shall here-
after be prescribed by any ordinance of said city, or by any
rule or regulation of the board of health of said city. He
shall not engage in any other business or trade while serving
as such inspector of meats.

SECTION 3. That George Able* be and he is hereby ap-
pointed inspector of meats for the city of Wilmington, and
the term of office of said meat inspector shall continue from
the date of the passage of this act until June the thirtieth,
A. D. 1896, or until his successor shall be properly qualified.
At the first meeting of the council of said city in the month
of July, A. D. 1896, and biennially thereafter, the council
shall elect an inspector of meats, and in case of said office
becoming vacant at any time, from any cause whatever, the
council shall, within ten days from the happening of such
vacancy, elect a person for the unexpired term.

*So enrolled.

OF THE CITY OF WILMINGTON.

SECTION 4. The salary of the inspector of meats shall be one thousand dollars per annum, payable monthly in the same manner as other officers of said city are paid. Salary.

SECTION 5. All acts and parts of acts inconsistent herewith are hereby repealed. Inconsistent acts repealed.

Passed at Dover, May 2, 1893.

CHAPTER 738.

OF MUNICIPAL ELECTIONS.

A Supplement to an act entitled "An act in relation to Municipal Elections to be held in the City of Wilmington," passed at Dover, April 6, 1893.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

SECTION 1. That at the city election next ensuing, every male citizen of the age of twenty-one years and upwards, having resided for three months next previous to the said election within that part of Brandywine hundred which by an act entitled "An act to further extend the boundaries of the city of Wilmington" was added to and is now a part of the said city, and who having resided for thirty days next preceding the said election within the said addition to the city of Wilmington, and within the election district hereafter to be laid out by the department of elections where he offers to vote, who being otherwise qualified to vote at all State elections, and who shall have registered at the revision of the registration to be held on the second Saturday next preceding the said city election, shall be entitled to vote. Who may vote in addition to Wilmington made by authority of act herein recited.

Passed at Dover, May 2, 1893.

*So enrolled.

OF THE CITY OF WILMINGTON.

CHAPTER 739.

OF BOARD OF PUBLIC EDUCATION.

AN ACT to amend Chapter 207, Volume 17 of the Laws of Delaware,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 144,
Chap. 207,
Vol. 17,
amended.

Proviso.

Board of
Education
may meet
deficit to the
extent of ten
thousand
dollars
annually.

SECTION 1. That Section 144, of Chapter 207, of Volume 17 of the Laws of Delaware be and the same is hereby amended by adding after the word "year," in the thirtieth line of said section the following: "*Provided however*, if the amount appropriated by the council for the erection or extension of school houses and for furniture and heating apparatus shall not be sufficient to meet the expenses for which it was appropriated the board of public education shall have the right to meet such deficit by using other money in their hands appropriated by said council; *provided* they shall not use an additional sum of more than ten thousand dollars for any one year."

Passed at Dover, May 2, 1893.

CHAPTER 740.

OF CITY OFFICERS

AN ACT relating to the Government of the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof herein concurring):

Section 1,
Chap. 178,
Vol. 18,
amended.

SECTION 1. That Section 1 of an act entitled "An act relating to the government of the city of Wilmington," being Chapter 178, Volume 18, Laws of Delaware, be and the same is hereby amended by striking out all of said Section 1 and inserting in lieu thereof the following:

OF THE CITY OF WILMINGTON.

That at the third stated meeting of "The Council," in the month of July, A. D. 1893, and at the stated meeting biennially thereafter, "The Council" shall proceed to elect, by ballot, a city clerk, who shall also be the clerk of council; a bailiff of council, who shall be charged with the care and custody of all that portion of the city hall property not used by the municipal court, the police commission, or the police department of said city; an inspector of oils and fluids used for illuminating purposes within the limits of the city; and a clerk of the market, who shall also be sealer of weights and measures used within the public markets and market houses of the city of Wilmington. The terms of the several officials herein designated shall commence on the first day of August next ensuing their election, and shall be for the term of two years, and the terms of office of the present incumbents are hereby extended until the first day of August, A. D. 1893. The salaries of the several officials herein provided for shall be as follows: Clerk of council, twelve hundred dollars per annum; bailiff of council, seven hundred and twenty dollars per annum; inspector of oils and fluids, the same as is now fixed by law or ordinance for the present incumbent; and the clerk of the market five hundred dollars per annum, together with all the fees and emoluments to which by any law or ordinance he is entitled to receive as such clerk of the market. The salaries provided for by this act shall be payable in the same manner and at the same time as the salaries of other city officials are now payable.

"The Council" authorized to elect City Clerk, Bailiff of Council, Inspector of Oils and Fluids, Clerk of the Market and Sealer of Weights and Measures.

Terms of the several offices.

Salaries.

Salaries; how payable

SECTION 2. That at the third stated meeting of "The Council," in the month of July A. D. 1893, and at the said stated meeting biennially thereafter, "The Council" shall proceed to elect by ballot a city auditor's clerk and a city treasurer's clerk who shall also be clerk to the finance committee. The terms of the above named officials shall commence on the first day of August A. D. 1893, and shall be for the term of two years. The term of the present city auditor's clerk is hereby extended until the first day of August, A. D. 1893. The salaries of the above named officials shall be nine hundred dollars per annum each, and shall be payable at the same time and in the same manner as the salaries of other city officials are now payable.

"The Council" authorized to elect City Auditor's Clerk, and a City Treasurer's Clerk.

Terms of offices.

Salaries; how paid.

SECTION 3. That all acts or parts of acts inconsistent with this act be and the same are hereby repealed.

Inconsistent acts repealed.

Passed at Dover, May 3, 1893.

OF THE CITY OF WILMINGTON.

CHAPTER 74I.

OF OVERHEAD BRIDGES.

AN ACT to authorize the Building of an Overhead Bridge in the City of Wilmington.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring herein), as follows:

P. W. & B.
Railroad
company
authorized
to build an
overhead
bridge from
Fourth St.
to Third St.
bridge, and
to construct
an overhead
footbridge
on line of
Church St
in city of
Wilmington

Construc-
tion to be
approved by
Street and
Sewer De-
partment

May take
and hold
lands for
erection of
said bridge

Proceedings
for acquisi-
tion of lands

Street may
be vacated
by resolu-
tion.

SECTION 1. That the Philadelphia, Wilmington and Baltimore Railroad Company, when in the opinion of its board of directors exigencies of public travel demand the same, be and it is hereby authorized and empowered to construct, make and maintain in the city of Wilmington a suitable overhead street bridge and necessary approaches thereto for public travel from a point in Fourth street, between Spruce and Pine streets, in a southerly direction to a public bridge over the Christiana river called the Third street bridge, and also in connection with said overhead bridge to construct and maintain an overhead foot bridge on the line of Church street for pedestrians. Such bridge or bridges shall be constructed of such height and width and of such general construction as may be determined upon by the said railroad company with the approval of the board of directors of the street and sewer department of the city of Wilmington.

SECTION 2. That the said company shall have power and authority to take, hold and acquire any lands, property or rights necessary for the erection and construction of said bridge or bridges, and in case the same cannot be acquired amicably, then that the said company shall have power to take, acquire and enter upon such land, property and rights as may be necessary for the purpose aforesaid in the same manner and by the same proceedings as are now provided by law for the acquisition of land, property or rights for the purpose of locating and constructing said railroad in this State.

SECTION 3. That in case it shall be necessary, proper, or expedient to use, occupy or vacate, in whole or part, any street, avenue, square, lane, road or alley, for the purpose aforesaid, "The Mayor and Council of Wilmington," by the

OF CITIES AND TOWNS.

agency of the board of directors of the street and sewer department of said city, shall have power by resolution to authorize such use, occupation or vacation, which resolution shall be published daily for one month in two daily newspapers published in said city; and any person sustaining injury by reason of such use, occupation or vacation may apply, in writing, to the Court of General Sessions of the Peace and Jail Delivery in and for New Castle county, to appoint three disinterested and impartial freeholders to value the said damages, who shall make return of their award to the said court at the next succeeding term, and the damages so assessed shall be paid by said company before any street, avenue, land, road or alley shall be used, occupied, closed up or obstructed for the purpose aforesaid: *Provided* that all such applications shall be made and filed with the clerk of said court within three months after the publication above mentioned.

Proceedings

Award and
payment of
damages.Return to
court.

Proviso.

Applica-
tions; when
to be filed.

Passed at Dover, May 4, 1893.

CHAPTER 742.

OF LAUREL.

AN ACT to amend Chapter 238, Volume 19, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the legislature concurring):

SECTION 1. That Chapter 238, Volume 19, Laws of Delaware, be and the same is hereby amended by striking out the words "one thousand" and inserting in lieu thereof the words "seven hundred and fifty."

Chap. 238,
Vol. 19,
amended.
Amount of
annual tax
levy.

Passed at Dover, February 9, 1893.

OF CITIES AND TOWNS.

CHAPTER 743.

OF NEWARK.

AN ACT to authorize "The Council of Newark" to borrow Five Thousand Dollars.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring):

Council authorized to borrow \$5,000 to establish electric light plant.

SECTION 1. That "The Council of Newark" shall have power and authority, and they are hereby ordered and directed under an ordinance of the council, to be passed with a concurrence of two-thirds of the members thereof for the time being, to borrow a sum or sums of money not exceeding five thousand dollars, which shall be applied, appropriated and expended for the purpose of establishing an electric light plant, by purchase or otherwise, sufficiently* to properly light said town and furnish light for private and commercial use.

Council authorized to issue bonds.

SECTION 2. That the said "The Council of Newark," for the purpose of carrying into effect the provisions of this act, shall have full power and authority and are hereby directed to issue bonds therefor in the name of "The Council of Newark," for such denominations as the council shall deem best, bearing interest at a rate not exceeding six per centum per annum, payable semi-annually. The principal of said bonds to be made payable at such time or times, not exceeding ten years from this date, and in such manner as shall be prescribed by said council. The form of said bonds shall be prescribed by said council and sealed with the corporate seal of said town.

Interest.

When payable.

Form of bonds

Council authorized to equip and operate plant.

SECTION 3. That the said council is hereby authorized and empowered to make all contracts, and do all things necessary for the purchase, erection, construction, equipment and operation of said electric light plant to light the streets of the said town of Newark, and to sell and furnish the citizens with electric current for private and commercial lighting.

SECTION 4. This act shall be deemed and taken to be a public act, and printed as such.

Passed at Dover, January 31, 1893.

*So enrolled

OF CITIES AND TOWNS.

CHAPTER 744.

OF NEWARK.

AN ACT to amend Sections 33 and 38, Chapter 175, Volume 18, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch thereof concurring):

SECTION 1. That Section 33, Chapter 175, Volume 18, Laws of Delaware, be and the same is hereby amended by striking out the figures "\$1700," in line three, and inserting in lieu thereof the figures "\$3000."

Section 33,
Chap. 175,
Vol. 18,
amended.
Council may
borrow
\$3,000.

SECTION 2. That Section 38, Chapter 175, Volume 18, Laws of Delaware, be and the same is hereby amended by inserting between the word "alley" and the word "it," in line two, the following: "or to widen any street or streets, squares, lane or lanes, alley or alleys, already opened or to reopen any old street or streets, squares, lane or lanes, alley or alleys, now closed, or which may hereafter be closed."

Section 38
amended.
Owners of
land to be
notified of
changes in
streets af-
fecting pri-
vate prop-
erty.

SECTION 3. This act shall be deemed and taken to be a public act and printed as such.

Passed at Dover, January 31, 1893.

OF CITIES AND TOWNS.

CHAPTER 745.

OF MIDDLETOWN.

AN ACT to amend Chapter 242, Volume 19 of the Laws of Delaware, entitled "An act to provide for the Lighting of Middletown."

Preamble.

WHEREAS by the authority and in accordance with the provisions of Section seven (7) of said act the commissioners of the town of Middletown called a meeting of the citizens, taxpayers of said Middletown, and held an election on the thirteenth day of February, 1893, at which election the said taxpayers voted to authorize the said commissioners of the town of Middletown to borrow the sum of ten thousand dollars upon the faith and credit of said town, and to issue bonds for the said sum of money, and expend the same, or so much thereof as may be found necessary to equip said town with light;

Further preamble.

AND WHEREAS by an act, being Chapter 158 of Volume 18 of the Laws of Delaware, the commissioners of the town of Middletown aforesaid were authorized to bond the said town for the sum of fifteen thousand dollars, which act was subsequently amended by Chapter 643 of Volume 18 of the Laws of Delaware, authorizing the said commissioners of the town of Middletown to borrow the additional sum of one thousand dollars for the purpose of erecting and constructing water works to supply said town, which amount has been expended in accordance with said acts;

Further preamble.

AND WHEREAS it is the desire of the citizens, taxpayers of said Middletown, to embrace in a separate board of commissioners the management and control of their works for the supply of light and water and all matters thereto pertaining; therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the legislature concurring):

Town commissioners to prepare bonds

SECTION 1. That the said commissioners of the town of Middletown shall direct and effect the preparation and printing of the bonds authorized to be issued by the act, being Chapter 242 of Volume 19 of the Laws of Delaware, (when required so to do by the board of light and water commission hereinafter provided for) and shall also prescribe the form of

OF CITIES AND TOWNS.

said bonds, which shall be signed by the president of the said commissioners of the town of Middletown, and countersigned by the secretary, and be sealed with the corporate seal of said town, and be exempt from all county and municipal taxation.

By whom signed.

Tax exemption.

As the bonds and coupons thereon are paid the same shall be cancelled in such manner as the said town commissioners shall direct.

How to be cancelled.

And it is further provided that the commissioners of the town of Middletown shall place the bonds hereby authorized to be issued, as soon as prepared and printed, in the hands and custody of the board of light and water commissioners hereinafter provided for, who shall negotiate the sale and delivery of the same, and the money, the proceeds of the sale of said bonds, shall be deposited with the treasurer of the board of light and water commissioners, to be used for the purpose of carrying into effect the provisions of this act, and not otherwise.

Custody of bonds.

Negotiation and sale.

Application of proceeds.

SECTION 2. That Sewell C. Biggs, John W. Jolls, Samuel M. Reynolds, Thomas H. Gilpin, and W. A. Comegys, be and they are hereby appointed a board of light and water commission for one, two, three, four and five years, respectively, and until their successors be elected.

Board of Light and Water Commissioners appointed. Term of office.

The duties of said board shall be such as are prescribed by the acts hereinbefore recited (being Chapter 242, Volume 19, and Chapters 158 and 643, Volume 18, of the Laws of Delaware), for the commissioners of the town of Middletown, so far as relates to the erection and management of the light and water supply of said town.

Duties of Board.

They shall draw lots for the different terms, the highest number to take the longest term, and so on down to the lowest term, as their terms shall expire.

Terms to be drawn by lot.

Their successors shall be elected for a period of five (5) years at an annual election of the tax-payers of the said town of Middletown, said election to be held at the usual place for holding town elections, on the first Monday in May 1894, and annually on the same day thereafter. And if a vacancy shall occur before the next annual election, by death, resignation, removal or otherwise, said vacancy shall be filled by the remaining commissioners until the next annual election, when the term or terms of such commissioners shall be filled by an election in the same manner, and at the same time, as provided for the election of a member for five years.

Election of successors.

Vacancies; how filled.

OF CITIES AND TOWNS.

At said election each tax-payer shall have one vote for every dollar and fractional part of a dollar paid by him, her or it, respectively, as town tax, within one year next preceding said election, and all tax-payers shall have the right to vote at such election in person, or by proxy duly signed and witnessed.

No person shall be eligible as a member of the board of light and water commission unless he be a qualified voter of said town of Middletown, and a majority of the members of the said board of light and water commission shall have paid a town tax of ten or more dollars during the year preceding said election.

Said election shall be called by the commissioners of the town of Middletown and held by the justice of the peace of said Middletown (or by his duly appointed representative) who shall associate with him two (2) citizens of the town (not in nomination) as judges of said election, and certify the same.

Upon the organization of the board of light and water commission it shall be their duty to notify the commissioners of the town of Middletown, and upon such notice the aforesaid town commissioners shall turn over to the board of light and water commission the entire water works, fixtures and appurtenances, together with all water rents to accrue after that date, all money collected for the same and unexpended, maps, drawings, pay-rolls, tools, materials, fuel on hand, with an inventory of the same, all estimates, papers, correspondence, contracts, and all and every matter or thing pertaining to said water works and belonging thereto, which is the property of the town of Middletown.

SECTION 3. The board of light and water commission shall within ten days after the passage of this act, and annually thereafter at the election in May, organize by the election of a president, secretary, and treasurer. The treasurer may or may not be a member of said board, as may be deemed best by the said commissioners.

SECTION 4. It shall be the duty of the president of said board of light and water commission to sign all orders on the treasurer for all bills and expenses contracted for and approved by the said board for the construction, management and operating of said light and water plants. He shall sign all contracts and notices and turn over to his successor in

OF CITIES AND TOWNS.

office all books and papers belonging to the board of light and water commission. It shall be the duty of the secretary to keep an accurate record of all business transacted by the said commissioners, and shall attest all orders on the treasurer and other papers signed by the president.

Duties of Secretary.

It shall be the duty of the treasurer to have the custody of all money arising from the sale of bonds and all money derived from light and water rents and accruing from all other sources. He shall keep a separate and accurate account money received and disbursed by him for the light and for the water plants, and of the revenue arising from each, and annually make a full report, in detail, of each, to the town commissioners of Middletown, and at the expiration of his term of office turn over to his successor all money, accounts, books, papers and property in his possession. The treasurer, or a collector appointed by the said board, may collect all rents and have the same authority as is conferred upon collectors of school rates.

Duties of Treasurer.

The treasurer shall give bond for the faithful performance of his duties in such sum as the board of light and water commission may require.

Treasurer shall give bond.

The secretary and treasurer shall receive such compensation as the board of light and water commission may allow.

Compensation of Secretary and Treasurer.

SECTION 5. That in accordance with the act, being Chapter 242, Volume 19, Laws of Delaware, Section 4, it shall be the duty of the board of light and water commission, at the expiration of three months from the beginning of their expenditures for the construction of the light plant, and again when said plant shall be fully completed, to furnish the commissioners of the town of Middletown a detailed statement of expenditures for such construction, to be by said commissioners of the town of Middletown published in the newspapers printed in Middletown.

Statement to be furnished Town Commissioners.

Publication of statement

SECTION 6. The said light and water commissioners are hereby authorized and empowered to do all things necessary for the location, erection, construction, the equipment and operating of a light plant for furnishing the said town of Middletown with an ample supply of light, and further to maintain and operate the present system of a water supply in connection with the proposed light plant, and to effect this object shall have power to lay pipes, erect poles and string wires above, under, or along any of the streets, lanes

Powers of Light and Water Commissioners.

OF CITIES AND TOWNS.

Necessary
lands; how
acquired.

Proceedings
for condem-
nation of
lands.

Duty of
Board to
grant light
and water
privileges.

Regula-
tions for dis-
tribution.

Light and
water rents
a lien upon
property.

Proviso.

Powers of
Collector

Application
of revenue
from water
and light
plants.

Surplus, ap-
plication of.

or alleys of said town, or any of the roads adjacent thereto. And whenever it shall be necessary or expedient for the said light and water commission to acquire land for said light and water plants, and such land cannot be acquired by agreement with the owner or owners thereof and the said light and water commission, the same may be taken for the purpose aforesaid in the name of the said town of Middletown, in the same manner and subject to the same conditions and proceedings as are now provided by law in the act incorporating the said town of Middletown, (being Chapter 36, Volume 12, Sections 6, 7 and 8, Laws of Delaware), for the condemning and taking of lands for the purpose of laying out, opening, extending or widening any street, road, square, lane or alley.

SECTION 7. The said board of light and water commission shall grant to all persons whomsoever the privilege of using the light and water conveyed and distributed by it in said town, in such a manner and on such terms and conditions as to it may seem just and proper, and shall pass and adopt such rules and regulations touching the said light and water, its distribution through said town and the streets thereof, the regulation of the use of water in case of fires, and the general management and control of the light and water supply, as to it, the said board of light and water commission shall at any time seem most expedient, and collect all light and water rents.

All sums due by residents for the use of light and water shall be liens upon the property where such light and water is used, and may be collected by law from said property; *provided* that the introduction of said light or water was done by the order of the owner of said property.

The collector of light and water rent shall have all the powers conferred by law upon collectors of school rates.

SECTION 8. The said light and water commissioners be and they are hereby directed and required to apply all the water rents and other revenues which may be derived from the water works, and the revenue from the light provided for by this act, to paying the expenses of properly keeping up and operating said works as directed by this act, and shall pay over the surplus (if any remains) to the commissioners of the town of Middletown, in February of every year, who are hereby required to apply the same for the payment of interest upon the water and light bonds and to create a fund for the redemption of said bonds.

OF CITIES AND TOWNS.

If at any time the revenues from said light and water rents shall be insufficient for conducting and operating the said light and water works, then the said board of light and water commission shall have the authority and is hereby empowered to draft on said commissioners of the town of Middletown to meet such deficiency, and the said commissioners of the town of Middletown shall honor the same out of the special fund hereinafter provided for. *Provided however* that for the purpose of street illumination the commissioners of the town of Middletown shall pay to said board of light and water commission a sum of money not exceeding seventeen (17) dollars per annum for each and "every and all night" street lamp of 24 candle power, and the further sum annually of twenty-five (25) dollars for the water supply for each fire plug of the said town, payable in monthly installments out of the general funds of the town.

Board may draft on Town Commissioners to meet deficiencies.

Proviso.

SECTION 9. That to provide a sum of money to pay the semi-annual interest upon the bonds issued for the light and water plants and any deficiency that may accrue, and to create a sinking fund for the redemption of said bonds, it shall be lawful for the commissioners of the town of Middletown, and they, or a majority of them, shall include the amount necessary to pay said interest, deficiency, and create a sinking fund, in their estimate and annual levy of taxes laid upon the town; and such an amount as shall be so levied and collected shall be set apart for the purpose of paying the interest on bonds and the said deficiency (if any there be) and for a sinking fund for the redemption of bonds, and shall not be used for any other purpose. *Provided* that such increase of the tax levy shall not exceed the sum of nine hundred dollars in any one year.

Sinking fund; how created.

Application of fund.

Increase of tax levy not to exceed nine hundred dollars.

SECTION 10. That if any person or persons shall design- edly or maliciously injure the said light and water works, or obstruct the water to and from the same, or in any manner pollute the water supply, or shall designedly or maliciously injure the machinery, apparatus, appliances, poles, wires, or lamps of the light plant, they shall forfeit and pay to the commissioners of the town of Middletown a fine not exceeding one hundred (100) dollars, to be recovered by said commissioners of the town before the alderman of the said town, or any justice of the peace residing in New Castle county; and the said commissioners of the town of Middletown shall have the power to impose fines and penalties for the violation

Penalties for injury to light and water plants or property.

By whom imposed.

OF CITIES AND TOWNS.

of such rules and regulations as shall be made by the board of light and water commission for the protection of the light and water plants and appurtenances of said town.

Members of
Board not to
furnish sup-
plies.

SECTION 11. That no member of the board of light and water commission shall be either directly or indirectly interested, pecuniarily, in furnishing supplies of any kind or by contracts made by or with said board of light and water commission.

Contracts
for supplies;
how
awarded.

SECTION 12. That all supplies or contracts exceeding in the aggregate a value of fifty (50) dollars shall be advertised for by said board of light and water commission, inviting sealed proposals for furnishing the same, except in case of an accident, when the board of light and water commission is authorized to repair the same at their discretion.

Inconsist-
ent acts re-
pealed.

SECTION 13. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Passed at Dover, February 21, 1893.

OF CITIES AND TOWNS.

CHAPTER 746.

OF DOVER.

AN ACT to reincorporate the Town of Dover.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the legislature concurring), as follows :

SECTION 1. That the limits of the town of Dover be and the same are hereby established and declared to be as follows, that is to say: Beginning at a point in the eastern line of the Delaware railroad where said eastern line would be intersected by the southern line of South street as heretofore fixed and established extended to the said railroad, and running thence in an easterly direction with the southern line of said South street to the western edge of St. Jones' river; thence in a northerly direction and with the western edge or line of St. Jones' river to a point in the southern edge or line of the millpond now owned by Alexander Laws (formerly owned by James L. Heverin); at the western side of the waste-gates as now fixed in said millpond; thence in a westerly direction with the southern water-edge or line of said millpond and in a northerly direction with the water-edge or line of said millpond to a point in the north line of Madison street, as the same is laid down in a plot of lots surveyed and laid out for Rev. Thomas B. Bradford, in October, A. D. 1869, and recorded in the Recorder's Office in and for Kent county, in deed record book H, vol. 5, page 132; thence in a westerly direction with the northern line of said Madison street to the east line of State street; thence in a northerly direction with the east line of State street to a point in said eastern line of State street opposite the point where the western line of State street intersects the northern line of William street, as the same is laid down in a plot of lots surveyed and laid out for Rev. Thomas B. Bradford, and recorded in the aforesaid deed record book H, volume 5, page 133; thence across State street to the point aforesaid, where the western line of State street intersects the northern line of said William street; thence in a westerly direction and with the northern line of William street to a point where the northern line of William street intersects the eastern line of the Delaware

Limits of the
Town of
Dover.
Beginning.

OF CITIES AND TOWNS.

railroad; thence in a southerly direction and with the eastern line of the Delaware railroad to a point where the eastern line of said Delaware railroad intersects the northern line of Division street; thence in a westerly direction with the northern line of said Division street to a point three hundred feet beyond the western line of the Delaware railroad; thence in a southerly direction and parallel with the western line of said Delaware railroad to a point in the southern line of the public road leading from Dover to Hazletville; thence in an easterly direction and with the southern line of said public road leading from Dover to Hazletville to a point where the southern line of said public road intersects the eastern line of the said Delaware railroad; thence in a southerly direction and with the eastern line of said Delaware railroad to a point where the eastern line of said Delaware railroad intersects the southern line of South street extended to the place of beginning: *Provided*, that no farm lands hereby included within these limits shall be subject to any town tax unless the same shall be laid out as building lots, and unless the same shall front upon any public street of the town of Dover which shall be laid out and improved, and so far as any farm lands shall front upon any such public street they shall be subject to be taxed to the depth of one hundred and fifty feet for town purposes. The council of the town of Dover may, at any time hereafter, cause a survey and plot to be made of the said town, and the said plot, when so made and approved by the said council, shall be recorded in the Recorder's Office in and for Kent county, and the same or the record thereof, or a duly certified copy of said record, shall be evidence in all courts of law and equity in this State.

Ending.
 Proviso.
 Survey and plot.
 Where recorded.
 What shall be evidence of plot and survey

SECTION 2. There shall be a council of the town of Dover, to be composed of nine members, to wit: eight councilmen and one president of council. The four members of said council who were elected on the first Monday in March, A. D. 1891, for the term of two years, shall continue in office until the first Monday in March in the present year 1893, and until their successors shall be duly elected, and the four members of council who were elected on the first Monday in March, A. D. 1892, shall continue in office until the first Monday in February, A. D. 1894, and until their successors shall be elected, and the president of said council, elected on the first Monday in March, A. D. 1892, shall continue in office until the first Monday in March of the present year A. D. 1893, and until his successor in office shall be duly elected.

Town Council; how composed.
 Term of present town council to continue until expiration thereof.

OF CITIES AND TOWNS.

On the first Monday in March A. D. 1893, there shall be held an election for president of council, who shall serve until the first Monday in February, A. D. 1894, and until his successor is duly elected, and four councilmen who shall serve until the first Monday in February, A. D. 1895, and until their successors are duly elected. On the second Monday in January, A. D. 1894, and annually thereafter, there shall be held an election, in the levy court room in Dover, for four councilmen of the town of Dover, and one president of council, to succeed those whose terms shall expire on the first Monday in February thereafter. The councilmen shall be elected for the term of two years from the first Monday in February next after their election, and until their successors shall be duly elected; and the president of council shall be elected for the term of one year from the first Monday in February next after his election, and annually thereafter; but any councilman or the president may be re-elected. The councilmen and the president of the council shall be resident freeholders of the town of Dover at the time of their election, but any married man resident of said town whose wife is a freeholder of said town may be elected a member of said council or the president of the said council, although he may not be the owner, in his own right, of any real estate within the said town. The election shall be opened at one o'clock, p. m., and closed at four o'clock, p. m. At such election every free male citizen residing in said town, who shall be of the age of twenty-one years, and shall have paid the town tax last assessed against him, and who has resided in said town thirty days next preceding the day of the election, shall have the right to vote. In order that the councilmen shall be distributed over said town, the following rule shall be observed in counting the votes for the persons voted for, to wit: the town shall be divided into four districts, and two of said councilmen shall be residents of each district. That portion of the town lying south of North street shall be the first district; that portion of said town lying north of North street and east of State street shall be the second district; that portion of said town lying north of North street and between State street and Governor's avenue shall be the third district; and that portion of the town lying north of North street and west of Governor's avenue shall be the fourth district. Immediately after the election shall be closed the votes shall be counted, and the person or persons, as the case may be, resident in the

Election of
President
and Council-
men.

Term of
office.

Re-election
of president.

Qualifica-
tions of
councilmen
and presi-
dent

Opening and
closing of
elections.

Qualifica-
tions of
voters.

Residence in
districts a
qualification
of council-
men.

First district

Second
district.

Third
district.

Fourth
district.

OF CITIES AND TOWNS.

Who shall be declared elected. respective districts, having the highest number of votes, shall be elected.

Officers of election. The election shall be held by the alderman and two of the four members of council who hold over, to be chosen by the council at the previous monthly meeting in January, (except however the present council shall at its monthly meeting in February, A. D. 1893, choose two of the four members who hold over to assist the alderman to hold the election on the first Monday in March, A. D. 1893). The alderman shall receive the ballots and deposit them in a box to be prepared for that purpose, and the assisting councilmen shall each keep a list of the voters voting. When the election shall be closed, the alderman, or one of the assistants, shall draw said tickets out of the box, open and read out the same and pass the same over to one of the others for his inspection, while the third election officer shall tally the votes. The president of council shall be elected for one year from the first Monday in February A. D. 1894, at the same time and place provided for the election of councilmen, and by the same persons, but he may reside in and be chosen from any portion of the town. In case of a tie of persons voted for, for either councilman or president of council, the alderman may give the casting vote. After the result shall have been ascertained, the election officers shall make out certificates and deliver one to each councilman elect, and to the president elect, with a notice of the hour and place of the meeting of the town council on the first Monday in February, 1894, and in each year thereafter. The present year A. D. 1893, the meeting of the town council next after the election shall be on the first Monday in March A. D. 1893. Before entering upon the duties of their respective offices the councilmen elect and the president elect shall be sworn in at said meeting, or any subsequent meeting, by the alderman, or one of the councilmen holding over. If at any election the alderman, or any of the persons whose duty it is to hold said election should not be present for that purpose, at the time hereinbefore designated, the voters present may proceed to elect some one or more of their number in lieu of the alderman or absent persons. A minute of each election, containing the names of the councilmen and president elect, shall be entered immediately after said election in a book provided for that purpose and subscribed by the persons holding said election; said book shall be preserved by the town council, and shall be evidence. If any vacancy shall occur in the said council, by death, resigna-

Ballots.

List of voters.

Drawing and reading of tickets.

Tally of votes.

Term of president.

Residence of president.

Casting vote.

Certificates of election.

Oaths and affirmations of president and councilmen.

When the voters shall designate persons to hold elections.

Minutes of elections.

How kept.

Vacancies, how filled.

OF CITIES AND TOWNS.

tion, removal from the district, refusal to serve, or otherwise, of any member thereof, or of the president thereof by removal from the town, refusal to serve, or otherwise, the remaining councilmen and the president, if there be no vacancy in the office of president, and if there be the remaining councilmen, shall have power to fill such vacancy or vacancies for the residue of the whole term for which the person or persons whose vacancy or vacancies is or are to be supplied was or were elected.

SECTION 3. The town council, at the regular meeting next after each annual election, as hereinbefore provided for, or as soon thereafter as convenient, shall proceed to elect, by ballot, some suitable person, resident in the town, to be alderman of the town of Dover, who may or not be a justice of the peace, to serve as such for one year, from the first Monday in March or until his successor shall be duly elected, subject however to be removed from office at any time by a vote of two-thirds of all the members composing the town council. Before entering upon the duties of his office he shall be sworn or affirmed, by the president of the town council or by any one of the councilmen, to perform the duties of his office honestly, faithfully and diligently. It shall be his duty to execute all laws enacted for the government of said town, and to carry into effect all orders and directions of the town council made in pursuance of any law of this State, or of any ordinance that the said town council may legally make and establish. He shall have all the powers of a justice of the peace within the town, and shall have jurisdiction and cognizance of all breaches of the peace and other offenses in said town, so far as to arrest and hold to bail or fine and imprison offenders, and also of all fines and forfeitures and penalties which may be prescribed by any law of this State or by any ordinance of the town council regularly passed and established for the government of the town, and also of all neglects, omissions or defaults of any town constable, collector, assessor, treasurer, town clerk, or any other officer or person whose duty it may be to collect, receive, pay over or account for any money belonging to said town, or to execute or obey any law or ordinance thereof: *provided*, that he shall not impose any fine exceeding twenty dollars, or have jurisdiction in civil matters exceeding one hundred dollars, exclusive of costs. His fees for any service under this section shall be the same as those of a justice of the peace for like service, and for any service or duty for

Election of Alderman.

Term of office.

Removal.

Oath of office.

Duties of Alderman.

Powers of Alderman.

Proviso.

OF CITIES AND TOWNS.

which no fee may be provided by law the fee may be established by ordinance of the town council. If any vacancy shall occur in the office of alderman of the town of Dover by death, resignation, removal from office, or otherwise, such vacancy may be supplied by the town council at any meeting thereof for the residue of the term. If any alderman shall be removed from his office by the town council as hereinbefore provided, he shall deliver to his successor in office, within two days after the election of his successor, all the books and papers belonging to his office, and shall pay over to the treasurer of the town all moneys in his hands belonging to the town within five days after his removal. Upon his neglect or failure to pay over to the treasurer of the town within the time aforesaid all moneys belonging to the town, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof by indictment, shall be fined not less than twenty nor more than one hundred dollars.

Vacancy in office of Alderman.

How filled.

Duties of Alderman towards his successor.

Penalty for neglect of duty.

Monthly report of Alderman.

SECTION 4. The alderman shall, at every monthly meeting of the town council, report to the council all fines imposed by him during the preceding month, and pay to the treasurer of the town of Dover all such fines and penalties received by him during the said time, and in default of making such report or paying such fines and penalties for a period of twenty days after such report should be made and such fines and penalties should be paid as aforesaid, he shall be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not less than twenty nor more than one hundred dollars.

Duties of President of Council.

SECTION 5. The duties of the president of council shall be to preside at the meetings of council; have the general supervision of all the streets, lanes and alleys in said town, and of the persons who may be employed by the town council; receive complaints of nuisances, and other complaints of citizens of violation of laws [or] ordinances, and present the same to the council at their first meeting for their action; and such infraction or violation of the law or ordinances as require immediate action to cause the same to be proceeded on before the alderman. He shall issue and sign all licenses for every exhibition within the town of Dover, [for] which, Section 1 of Chapter 51 of the Revised Code a license therefor is required, and all other exhibitions [licenses for] which by law or ordinance may be required to be issued; he shall sign all warrants on the treasurer for the payment of

OF CITIES AND TOWNS.

any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the town council. If the president of council shall be incapacitated from acting by reason of absence, or for any other cause whatsoever, then all the powers and duties conferred and imposed upon him by this section, or any other law, or conferred or imposed by any ordinance or ordinances adopted by the town council, shall be exercised and performed by the person who at the time shall be chairman of the street committee.

SECTION 6. The councilmen and the president of council, as hereinbefore provided for, shall be and they are hereby created a body politic and corporate in law and equity, and shall be able and capable to sue and be sued, plead and be impleaded in courts of law and equity in this State and elsewhere by the corporate name of "The Town of Dover," and shall have a corporate seal, which they may alter, change or renew at their pleasure; and may purchase, take, hold and enjoy lands, tenements and hereditaments in fee simple or otherwise, and also goods and chattels, rights and credits, and may alien, grant, demise and dispose of the same as they may deem proper, and may do all other things which a body politic and corporate may lawfully do to carry out and effect the object and purposes of this act. The president and councilmen, for the time being, shall have the superintendence and oversight of all roads and streets now open or hereafter to be opened within the limits of said town, and no overseer of any such roads or streets shall be appointed by the Levy Court of Kent county, but the said levy court shall annually appropriate for the repair of said roads and streets a sum of money, not less than five hundred dollars, and shall make an order for the payment thereof to the treasurer of the town of Dover for the use of said town.

Incorporation.

Corporate powers.

Corporate name.

Hold real estate, etc.

Superintendence of streets, etc.

Appropriations by Levy Court for use of streets

SECTION 7. The town council shall have power, upon the application of ten or more citizens of the town, by petition for the purpose, to locate, lay out, and open any new street, lane or lanes, or alley or alleys, or widen any street, lane or alley heretofore laid out in said town, or reopen any old street or streets, lane or lanes, or alley or alleys, now closed, or which may hereafter be closed, which ten or more citizens may desire to be located, laid out and opened, or widened, or reopened, allowing to the persons respectively, through and over whose lands such street or streets, lane or lanes, or alley or alleys may pass, such compensation therefor as

Location of new streets, etc.

Re-opening of old streets, etc.

OF CITIES AND TOWNS.

Compensation for damages.

they shall deem just and reasonable under all circumstances, which compensation, if any be allowed, shall be paid by the treasurer of the town out of the moneys of said town upon warrants drawn upon him by order of the council aforesaid.

Notice to owners of real estate concerning the opening of streets, etc.

SECTION 8. Whenever the town council shall have determined to locate and lay out, or widen any street, lane or alley, and shall have fixed the compensation therefor, it shall be their duty immediately after the survey and location of the said street, lane or alley, to notify, in writing, the owner or owners of the real estate through or over which such street, lane or alley may run, of their determination to open or widen the same, and to furnish a general description of the location thereof, and also the amount of the damages or compensation allowed to each, and if such owner be not resident within the said town to notify the holder or tenant of said real estate, but if there be no holder or tenant resident in said town the said notice may be affixed to any part of the premises. If any owner be dissatisfied with the amount of the compensation or damages allowed by the town council, as aforesaid, he or she may, within ten days after such notice, as aforesaid, appeal from the said assessment of compensation or damages by serving a written notice to that effect on the president of said council, or the person performing the duties of president of council for the time being.

Notice to tenant.

Appeal

In order to prosecute said appeal, such owner or owners shall within fifteen days after the expiration of the ten days allowed for appeals, and upon ten days notice to said president of council, or the person performing the duties of president of council for the time being, make written application to the associate judge of the Superior Court of this State, resident in Kent county, for the appointment of a commission to hear and determine the matter of damages or compensation, and thereupon the said associate judge shall issue a commission under his hand directed to five freeholders of the said county, three of whom shall be residents of said town of Dover, and two of whom shall be non-residents of said town, commanding them to assess the damages which the owner of the real estate through or over whose lands said street, lane or alley shall pass, who shall have notified the said town council of their intention to appeal, may incur by reason thereof, and to make return of their proceedings to the said associate judge at a time therein appointed. The freeholders named in such commission being first sworn or affirmed, as in said commission shall be directed, shall view

Appointment of a commission.

Qualification of freeholders.

Assessment of damages.

Return of freeholders.

OF CITIES AND TOWNS.

the premises, and they, or a majority of them, shall assess the damages as aforesaid, and shall make return, in writing, of their proceedings in the premises to the said associate judge, who shall deliver said return to said town council, which shall be final and conclusive. The said associate judge shall have power to fill any vacancy in the commission. The amount of damages being so ascertained, the town council may pay or tender the same to the person or persons entitled thereto, within one month after the same shall be finally ascertained, or if the person or persons so entitled reside out of, or are absent from town, during said period of one month, or are minors, then the same may be deposited to his or her credit in the Farmers' Bank of the State of Delaware, at Dover, within said time, and thereupon the said property or land may be taken or occupied for the uses aforesaid. In the ascertainment and assessment of damages by the freeholders appointed by the associate judge aforesaid, if the damages shall be increased, the costs of the appeal shall be paid by the treasurer of the town out of any money in his hands belonging to the town, but if said damages shall not be increased the costs of the appeal shall be paid by the party appealing. The fees to the freeholders shall be two dollars per day to each, which shall be taxed as part of the costs. After the damages shall be fixed and ascertained by the freeholders as aforesaid, the town council shall have the option to pay damages assessed, within the time aforesaid and proceed with the said improvements, or, upon the payment of the costs only, may abandon the proposed improvements.

Re-assessment of damages.

Return.

Vacancies; how filled.

Payment of damages.

Deposit of damages.

By whom costs of appeal shall be paid.

Fees of freeholders.

Prosecution of improvements, etc.

SECTION 9. The town council shall have power to enact ordinances to prevent nuisances, to preserve the health of the town, and to prevent the introduction of infectious or contagious diseases, for which purpose their jurisdiction shall extend to any distance within one mile of the limits of said town. The council may also pass ordinances to define and remove nuisances, to ascertain and fix the boundaries of streets, squares, lanes and alleys, or to repair and improve the same, or to alter, extend, or widen any street, square, lane or alley, or open and lay out new ones, subject to the provisions in that behalf hereinbefore contained; to regulate and fix the ascents and descents of all streets, lanes and alleys, and the drainage thereof; to direct the paving or graveling of footways, and to prescribe the width thereof; to regulate and provide for the making of gutters, and the placing of gutter-

Nuisances, infectious diseases, etc

Jurisdiction

Definition of nuisances, and ascertainment of boundaries.

Ascents and descents of streets, etc.

Paving and graveling.

OF CITIES AND TOWNS.

Gutters and curbing.	stones or plates therein, and for curbing, wherever, in their opinion, such paving or graveling, making of gutters and the placing of gutter-stones or plates therein, and curbs, may be necessary or proper; to prescribe the extent of steps, porches, cellar-doors, and other inlets to lots and buildings;
Steps, porches, etc.	to regulate the construction and repair of chimneys, and to provide for keeping the same cleaned and in good order; to
Chimneys.	regulate the storage of gunpowder or any other dangerous or combustible materials, and to provide against casualties by fire. No person shall be obliged to pave any footway to a
Gunpowder.	greater breadth than four feet in front of any vacant lot or lots not near or adjoining a dwelling-house, and no grading, curbing or widening of sidewalks shall, after the same has once been established, be directed to be altered or changed
Breadth of footways.	for a period of ten years, except upon the petition of a majority of the property owners holding land on such street or part of street where such alteration or change is proposed to be made, and upon such petition the town council shall have the option to make such change or alteration, or not. The town council shall also have power to enact ordinances in relation to the keeping or harboring of dogs, to provide for the
Mode of changing grade.	registering of the same, and to regulate their running at large, and may impose an annual tax not exceeding one dollar on every male dog, or two dollars on every female dog, and may provide for the collection of the same from each and every person owning or harboring any dog or dogs; and also shall have power to impose fines and penalties for the enforcement of any of said ordinances. The said council shall have
Ordinances concerning dogs.	power also, by ordinance, to appoint a town surveyor to make a plot or map, showing the ascent and descent of all streets, lanes and alleys, the building lines upon the same, and generally to do and perform all such matters and things as they may deem necessary for carrying into effect the provisions in this section contained.
Fines.	
Surveys	
Plot.	

SECTION 10. Whenever the said town council shall have determined that any paving, graveling, guttering, placing of gutter-stones, or plates in any gutter, and curbing, or any, or either, or all of them, shall be done, they shall notify the owners of the land in front of whose premises the same is to be done, particularly designating the nature and character thereof, and thereupon it shall be the duty of such owner to cause such paving, graveling, guttering, placing of gutter-stones or plates in any gutter, and curbing to be done in conformity with said notice. In the event of any owner neg-

Notice to owners of real estate of their duty to pave, &c.

OF CITIES AND TOWNS.

lecting to comply with said notice for the space of thirty days, the said council may proceed to have the same done, and when done, the treasurer of the town shall, as soon as convenient thereafter, present to the said owner or owners of such lands a bill, showing the expense of such paving, graveling, guttering, placing of gutter-stones or plates in any gutter, and curbing. If such owner or owners be not resident in the town of Dover, such bill may be presented to the occupier or tenant of said land, or if there be no occupier or tenant resident in the said town of Dover, such bill may be sent by mail to such owner or owners, directed to him or them at the post-office nearest his or their residence. If such bill be not paid by the owner or owners of such lands within thirty days after the presentation thereof, as aforesaid, then it shall be the duty of said town council to issue a warrant in the name of the town of Dover under the hand of the president of the town council, and the seal of the said corporation, directed to the treasurer of the town of Dover, commanding him that of the goods and chattels, lands and tenements of such owner or owners he should cause to be levied and made the amount of the said bill, together with all costs. It shall be the duty of the treasurer of the said town of Dover, as soon as convenient after the said warrant shall be delivered to him, and after ten days' notice to the owner or owners of such lands, and after posting five or more notices of sale in at least five of the most public places in the town of Dover, at least ten days before the day of sale, to sell the goods and chattels of such owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill with all costs. If no goods and chattels of such owner or owners can be found within said town sufficient to satisfy the amount of said bill with all costs, then it shall be the duty of the said treasurer of the said town of Dover, after ten days' notice to such owner or owners aforesaid, and after posting five or more notices of sale in at least five of the most public places of the town of Dover, for at least ten days before the day of sale, and after causing such notice of sale to be published twice in one newspaper printed in the said town of Dover (or, if there be no newspaper printed in the said town of Dover, then in a newspaper printed anywhere in Kent county), to sell the lands and tenements of such owner or owners in front of which such paving, graveling, guttering, placing of gutter-stones or plates in any gutter, and curbing, or either of them, have been done, or so much of

Failure to
comply with
notice for
30 days.

Council may
proceed
with work.

Presentation
of bill of
costs.

Upon non-
payment of
costs, war-
rant for col-
lection of
same.

How to be
issued.

To whom
directed.

Levy.

Treasurer to
sell goods.

When.

Amount ne-
cessary.

When there
are no goods
of such ow-
ner to sell,
lands to be
sold.

Notice.

Time of no-
tice.

Publication.

Sale of lands

When.

OF CITIES AND TOWNS.

How much of such lands to be sold. said lands and tenements as may be sufficient to satisfy the amount of said bill with all costs, and a deed from the treasurer of the said town of Dover shall convey to the purchasers of such lands and tenements as full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof. The claim for paving, graveling, guttering, placing of gutter-stones or plates in any gutter, and curbing, shall be a lien on the premises in front of which the said work was done, and said lien shall relate back to the time when the notice herein required shall have been served upon the owner or owners or occupants of said premises, and shall have priority over any lien, incumbrance, or conveyance suffered or made by the owner or owners after the service of said notice. It shall be the duty of the treasurer of said town, out of the purchase money of the said goods and chattels, or lands and tenements, sold as aforesaid, to pay all costs arising from the said proceeds and sale to the parties entitled thereto, and to retain for the use of the said town the amount of the said bill as aforesaid, and the residue of the said purchase money, if any, shall immediately be deposited in the Farmers' Bank of the State of Delaware, at Dover, to the credit of the said owner or owners. The treasurer of the said town shall be entitled to receive five dollars for every sale of personal property under this section, and ten dollars for every sale of real estate under this section, together with such additional sum as may be reasonable and proper for the keeping and taking care of such personal property, for selling the same, and for advertising, all of which shall be part of the costs to be paid out of the purchase money as aforesaid. Any notice required by this section to one coöwner shall be notice to all, and in case no owner shall reside in said town, notice served upon the occupier or tenant shall be sufficient, or if there be no owner or occupier or tenant of said premises resident in the said town, it shall be sufficient to send notice by mail to any owner of said premises, directed to him or her at the post-office nearest his or her place of residence. The provisions hereinbefore contained in this section shall apply to any order made by the council of said town in respect to any pavement, sidewalk, gutter, placing of gutter-stones or plates in any gutter, or curb, heretofore made or done, which the said council may deem insufficient, or to need repairing. The said council, in addition to the provision of this section hereinbefore contained, shall have power and authority to enforce, by ordinance, all the requirements of this section by imposing such

Deed.

Kind of title.

Claim.

Priority over what. When.

Costs.

By whom paid.

Residue of purchase money to be deposited. Where and for whom.

Fees of treasurer.

Costs to include what.

What shall be sufficient notice.

Notice served on tenants. When.

Notice to owner by mail. When.

Foregoing provisions to apply to what.

Power of council to enforce ordinances and impose fines.

OF CITIES AND TOWNS.

finest and penalties as shall, in the judgment of said council, be necessary and proper.

SECTION 11. The council of said town shall have power and authority to make, establish and publish such ordinances as they may deem beneficial for the good government of the said town at any regular monthly meeting. Such regular meeting shall be held on the first Monday evening of every month. They shall have and are hereby vested with power and authority to prescribe the fines or penalties for violations of any of the provisions of this act, or of the ordinances which they may enact in pursuance hereof, and which are not specially provided for in this act. All such fines and penalties which may be imposed, either by this act or the ordinances enacted as aforesaid, may be collected before the alderman of said town or any justice of the peace of said town, and in default of payment said alderman or justice of the peace may commit for any time not exceeding thirty days.

Power of council to establish ordinances.

When.

Time of holding regular meeting.

Power to impose fines.

Collection of fines

Alderman to commit to jail.

When and for how long

SECTION 12. The council of said town may appoint such number of town constables as shall be deemed necessary, who, with the constable of Kent county residing in said town, shall constitute the town police. The council of said town shall also have power and authority to remove any of the town constables at any time and appoint others in the place of those removed, if it shall be deemed necessary to make such appointments.

Appointment of town constables.

Police.

Removal of constables.

SECTION 13. The council of said town shall cause a statement of their receipts and expenditures, up to the first Monday in January in each and every year, to be published in at least one newspaper published in said town of Dover the week preceding the annual election.

Annual statement of receipts, &c.

SECTION 14. The council of said town shall have power and authority to make such regulations and enact such ordinances relating to the traveling over and upon the streets, lanes and alleys in said town, and to the use thereof, and the standing or placing of carts, carriages or other vehicles or obstructions in and upon the public square, or any of said streets, lanes, alleys or sidewalks, as they shall deem proper, to secure the free and uninterrupted use and enjoyment thereof, and if any person shall violate the regulations and ordinances of the said council in that behalf, every person so offending shall forfeit and pay to the treasurer of said town, for the use of said town, a sum not exceeding ten dollars, to

Council to make ordinances concerning streets.

Fine for violation of ordinances.

OF CITIES AND TOWNS.

Recovery of fine and costs. be recovered with costs, by the treasurer of said town, in the name of the town of Dover, before the alderman of the said town or before any justice of the peace residing in said town, in the same manner as debts of like amount are recoverable by law.

Jail to be used by the town council

SECTION 15. It shall and may be lawful for the council of said town to use the jail of Kent county for the purpose of carrying into effect any judgment or sentence pronounced under the provisions of this act, or for carrying into effect any ordinance or regulation adopted under the provision of this act, and it shall be the duty of the keeper of said jail to receive and lock up in said jail any person committed to his custody under the provisions of this act, or under the provisions of any ordinance of the council of said town.

Duty of keeper of the jail.

Power of council to use money of the town for certain purposes.

The determination of a majority to make acts legal.

SECTION 16. The council of said town shall have the power and authority to use the money in the treasury of said town, or any portion thereof, for the improvement, benefit and ornament thereof, as they may deem advisable. In the general performance of their duties, the acts, doings and determination of a majority of the council of said town shall be as good and binding as the acts, doings and determinations of the whole. In case of a vacancy or vacancies in the council of said town, the remaining members, until such vacancy or vacancies shall [be] filled as hereinbefore provided, shall have the same power and authority as the whole.

Duty of town officers to suppress unlawful assemblages

SECTION 17. It shall be the duty of the alderman of said town and council of said town, and of the constables of Kent county residing in said town, and of the town constables, to suppress all riotous, turbulent, disorderly, or noisy assemblages or gathering of persons in or about any buildings used for any fair, festival, concert, or any other social, literary, or religious meeting, or any entertainment whatsoever, or in the streets, lanes, squares, or alleys of said town, at any time or season whatever; to prevent all gatherings whatever which may obstruct or interfere with the free use of the streets or sidewalks, and for this purpose it shall be the duty of any of said constables to seize and arrest any such persons so offending and carry them before the alderman of said town, whose duty it shall be to hear and determine the case, and upon conviction before him the alderman shall sentence any such person so convicted to pay a fine not exceeding ten dollars, and may commit the party to prison for a period not exceeding thirty days, or until said fine and costs shall be paid. It

Duty of constables to arrest

Duty of alderman. Fine and imprisonment.

OF CITIES AND TOWNS.

shall be the duty of the alderman of said town, upon complaint made before him of any such riotous, turbulent or noisy assemblages or gathering as aforesaid, to issue his warrant to any of the constables aforesaid, commanding him to arrest and bring any such person so offending as aforesaid before him for trial. Any constable arresting any person so offending as aforesaid after the hour of ten o'clock at night may take such person so arrested and deliver him into the custody of the keeper of the jail of Kent county to await a trial before the alderman of said town. It shall be the duty of the constable aforesaid, or any one of them, to arrest any drunken or disorderly person they may see on the streets, lanes, alleys or squares of said town, and take such person so arrested before the alderman of said town, who shall proceed forthwith to hear and determine the case, and upon conviction before him he shall sentence such person in the same manner and to the same punishment provided in this section for the punishment of persons brought before him for the offenses in this section first enumerated. If upon view of the person or persons who may be brought before the alderman of said town for violation of this section it shall appear to the alderman that in his judgment such person or persons are not in a condition to be heard and tried, he may commit such person to the keeper of the jail of Kent county to wait a trial at a time by him to be fixed; such time shall in no case be more than twenty-four hours from the time of commitment, unless the expiration of the said twentyfour hours would be on the Lord's day, and then not later than ten o'clock on the Monday morning following. The fee to the alderman of said town for the trial of any cause under this section shall be fifty cents, and to the constable making the arrest fifty cents. In case of commitment the constable shall receive an additional fee of fifty cents, and the keeper of said jail shall be entitled to a like fee of fifty cents for each commitment, whether by a constable or by the alderman of said town, and he shall be entitled to the same pay for board of the person so committed as is allowed by the levy court for board of prisoners: *Provided*, the town shall pay for the board of all prisoners committed to the jail for violation of the charter or by-laws of the town of Dover.

Alderman
to issue
warrants.Persons ar-
rested after
10 o'clock,
p. m. How
disposed of.Drunken or
disorderly
persons.

Sentence.

Proceedings

Fees.

Town to pay
for the board
of all
prisoners
committed
to jail.

SECTION 18. The alderman of said town, the council of said town, and the town constables shall have power and authority to suppress, extinguish and prevent all bonfires in any of the streets, lanes, alleys, or squares of the said town, and

Fireworks,
bonfires, &c.
prohibited.

OF CITIES AND TOWNS.

Fines. to suppress and prevent the firing of guns or pistols, or the setting off of fire crackers or other fireworks, or the making and throwing of fireballs within the limits of said town, and the council of said town may, by ordinance or ordinances, impose fines and penalties upon the persons violating the provisions of this section, and may provide for the collection of such fines and penalties so imposed.

Nuisances and obstructions. SECTION 19. The council of said town are hereby authorized and required to cause all obstructions and nuisances that may at any time be and exist within the limits of said town, whether on the public square, or in the streets, lanes or alleys, or on the sidewalks, or in any other place within the limits aforesaid, to be removed and abated. The council of said town, or a majority of them, may proceed, either on their own view or upon complaint of any other citizen, in writing, stating the character of the obstruction or nuisance, and where the same exists. If the council of said town, or a majority of them, either of themselves or upon such information, or upon view, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice, in writing, signed by the president of said council, or the chairman of the street committee of said council if the president of said council be absent from the town or otherwise be incapacitated from acting, to the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, to remove or abate the same, and if such person shall refuse or neglect for the space of two days after such notice to remove or abate such obstruction or nuisance, the council of said town shall have power and authority to cause such obstruction or nuisance to be removed or abated; and for this purpose the council of said town may issue a warrant in the name of the town of Dover, under the hand of the president of the council, or the chairman of the street committee, and the seal of the said corporation, and directed to any constable of the town of Dover, commanding him forthwith to remove or abate such obstruction or nuisance; whereupon the constable to whom the said warrant may be delivered, shall forthwith proceed to remove or abate the same, and for this purpose he shall have full power and authority to enter into and upon any lands and premises within the town of Dover, and to take with him such assistants, implements, horses, carts, wagons, or other things, as may be necessary and proper, and do and perform all matters and things, right and proper to be done for the removal of such

How abated and removed.

Notice: by whom signed.

Council to issue warrant.

Directed to whom.

Constable to abate such nuisances.

Constables' authority therein.

OF CITIES AND TOWNS.

obstruction or the abatement of such nuisance. The costs and damages of all the proceedings shall be determined and adjudged by the council of said town, and if the same be not paid to the treasurer of said town for the use of the town by the person causing the obstruction or nuisance, or who is responsible for its existence or continuance, within ten days after a bill stating the amount of such costs and damages shall have been presented to such person, then the council of said town may proceed to collect the same out of the goods and chattels of such person by warrant issued to the treasurer of said town in the same manner as provided in Section 10 of this act for the collection of the expense of any paving, graveling, &c., and the treasurer of said town, upon the receipt of such warrant, shall have all the powers to sell the goods and chattels of such person conferred and shall proceed in the same manner as directed by said Section 10 of this act, on warrants directed to him under said section to collect the expense of paving, graveling, &c., except that nothing in this section contained shall confer any power upon the treasurer of said town to sell any lands and tenements. If the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, shall neglect or refuse to remove or abate the same for the space of two days after such notice aforesaid, he shall, in addition to the provisions hereinbefore in this section in that behalf contained, forfeit and pay to the treasurer of said town for the use of the town the sum of five dollars, and one dollar additional for each and every day such obstruction or nuisance shall continue unremoved or unabated after the expiration of the two days' notice as aforesaid, to be recovered with costs of suit, in the name of the town of Dover, before the alderman of said town or any justice of the peace residing in said town, as debts of like amount are recoverable. In ascertaining the amount of the judgment the person before whom the case is heard and determined shall compute the time beginning with and including the day following the expiration of the said two days' notice up to and including the day on which judgment is rendered if the obstruction or nuisance be then not removed or abated, or if then removed or abated up to and exclusive of the day on which such obstruction or nuisance was removed or abated, and one dollar for every such day shall be added to the five dollars and judgment rendered accordingly. If the amount of the judgment, exclusive of costs, will exceed one

Costs and damages.

Costs. How collected.

No power to sell lands and tenements.

Additional costs.

Recovery of such costs.

Time to be computed and included

Further costs.

OF CITIES AND TOWNS.

When not cognizable before alderman. hundred dollars, the case shall not be cognizable before the alderman or a justice of the peace, but in such case suit in the name of the town of Dover may be brought in the Superior Court of the State of Delaware, in and for Kent county. These last provisions shall be cumulative and additional to the provisions hereinbefore in this section contained.

Where suit may be brought. Cumulative provisions.

When constable shall be guilty of misdemeanor. Presentment of to Grand Jury. Fine and imprisonment. Forfeiture of office. **SECTION 20.** If any constable shall neglect or refuse to perform any of the duties required of him by this act he shall be deemed guilty of a misdemeanor, and it shall be the duty of the council of said town to present him to the grand jury of Kent county, and upon conviction thereof by indictment he shall be fined in a sum not less than ten nor more than one hundred dollars, and may be imprisoned, in the discretion of the court, for any term not exceeding one year, and upon such conviction he shall *ipso facto* forfeit his office.

Election of Treasurer and Clerk. **SECTION 21.** It shall be the duty of the council of said town, at the meeting on the first Monday in February in each and every year, or as soon as conveniently may be thereafter, to elect by ballot a treasurer and clerk, who shall hold their offices until the first Monday in February next after their election and until their successors shall be duly elected and qualified. The treasurer and clerk may or may not be the same person. The said council shall also have authority to elect by ballot a collector of taxes in any year they may think proper to do so. The treasurer, before entering upon the duties of his office, shall be sworn or affirmed faithfully, honestly and diligently to perform the duties of his said office, which oath or affirmation may be administered to him by the president of said council, or by any member thereof, or by any judge, justice of the peace, or notary public. He shall also, before entering upon the duties of his office, give bond to the town of Dover, with sufficient surety to be approved by the council of said town, in the penal sum of three thousand dollars, conditioned for the faithful discharge of the duties of his said office and for the payment to his successor in office of all sums of money belonging to said town which may remain in his hands upon the settlement of his accounts, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The said treasurer shall pay all orders drawn on him by order of said council, and signed by the president thereof, out of any moneys in his

Collector of Taxes. Oath of Treasurer. Oath administered by whom. Bond. Surety approved by whom. Penal sum. Conditions. Warrant of attorney. Orders, how drawn and paid.

OF CITIES AND TOWNS.

hands belonging to said town. He shall settle his accounts with the said council annually, by the first Monday in January, and oftener and at such other times as the said council may require. The said treasurer shall also, in any year when no collector of taxes shall be elected by the council of said town, and when required to do so by said council, collect all the taxes assessed in said town, as hereinafter provided. It shall be the duty of the clerk of said town to keep a true and faithful record of all the proceedings of the council of said town at all meetings held by them, and to do and perform such other matters and things as may be required of him by this act, or which may be prescribed by any ordinance or ordinances enacted by said council. The treasurer, clerk, and assessor of said town shall each receive a reasonable compensation for their services, to be determined by the council of said town; *provided* the compensation of the said treasurer, as such, shall not exceed three per cent. on all moneys received by him belonging to said town, and of the treasurer, acting as collector, shall not exceed ten per cent. on the taxes collected by him. The officers elected under the provisions of this section in 1893 shall be elected at the time and manner heretofore provided by law, and shall continue in office until the first Monday in February, A. D. 1894, and until their successors are duly elected.

Settlement
of accounts.Treasurer to
collect taxes
When.Record of
proceedings
kept by
clerk.

Duties of.

Compensa-
tion of treas-
urer, clerk
and assessor

Proviso.

Expiration
of term of
present
officers.

SECTION 22. That at the annual election held on the first Monday in March 1893, for the purpose of electing a president and four members of the town council, there shall also be voted for and elected, in like manner, an assessor, who shall be an inhabitant and freeholder of the town of Dover, and who shall not be a member of the town council during the year of his service as assessor, who shall hold his office until the first Monday in February, A. D. 1894. At the election held on the second Monday in January, A. D. 1894, and in each year thereafter for the purpose of electing a president and four members of the town council, there shall be voted for and elected an assessor, who shall hold his office for one year from the first Monday in February next after his election.

Assessor;
when to be
elected.Qualifica-
tions.Election of
successor.

SECTION 23. The town council may fix the sum to be assessed upon each and every male citizen residing in said town, above the age of twenty-one years, as well those owning as those not owning real estate within the limits of said town; but the sum so to be fixed shall be one and the same for every

Poll assess-
ments to be
made by
Council.

OF CITIES AND TOWNS.

Limit of assessment. class and description of said citizen, and shall not exceed the sum of nine hundred dollars.

Amount of tax levy. SECTION 24. The town council are hereby authorized and empowered to levy and collect from the taxables of said town according to the terms and provisions of this act such sum as may be deemed by them necessary to carry out the provisions of this act, which sum shall in no year exceed four thousand dollars, clear of all delinquencies and expenses of collection. *Provided* nevertheless that the citizens of the town may assemble in town meeting on the evening of the third Monday in February to determine whether any additional sum or sums shall be levied and collected for any specific purpose or purposes; notice of which meeting, the place of meeting and the special purpose or purposes for which said additional sum or sums are desired having been published by the town council, or by any taxable of the town, in the newspapers of the town twice immediately preceding the time of said meeting. At said meeting a resolution or resolutions shall be prepared stating explicitly the additional sum or sums needed or desired, and the specific purpose or purposes to which the said sum or sums shall be applied.

Proviso. Citizens of the town may determine additional tax levy in town meeting.

Notice of meeting.

Amount to be determined by resolution.

Voting. The qualified voters of the town shall then proceed to vote yea or nay, by ballot, upon said resolution or resolutions, and the result shall be certified to the town council; and if a majority of those voting shall approve of said resolution or resolutions then the town council shall levy and collect said additional sum or sums and apply the same for the purpose or purposes specified; and if more has been levied and collected than was necessary for the purpose or purposes named or specified the residue shall be carried into the treasury of the town for general purposes.

Certificate.

Council shall levy tax.

Surplus.

Assessor's duties. SECTION 25. It shall be the duty of the assessor of said town, annually, to make a true, just and impartial valuation and assessment of all the real estate within said town, and also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well those owning as those not owning real estate within the limits of said town, and also the personal property of such citizens subject to county assessment and taxation. The said assessor shall make such assessment and return the same to the council of said town within eight weeks next after his election in 1893, and within eight weeks after the first Monday in February in each year thereafter. The council of said town shall assess

Return of assessment to council.

When

OF CITIES AND TOWNS.

the real estate and person and assessable personal property of the assessor. The council of said town shall, as soon as conveniently may be after receiving said assessment list, cause a full and complete transcript of said assessment list to be prepared and hung up in the post-office, or such other public and convenient place as the said council may select in said town, where it shall remain for at least ten days thereafter for public inspection; and the said town council shall, on the first Monday in May, hold a court of appeal, which shall continue open from one o'clock p. m.* of said day, when they shall hear and determine appeals from the said assessment, and may make correction of, additions to, or alterations in the said assessment. The said council may adjourn the court of appeals from day to day.. Notice of the hanging up of said assessment list, and also, at the same time, notice of the time and place of hearing appeals shall be given by posting such notices in at least six public places in the town of Dover. The determination of the council of said town upon any appeal, or upon any matter relating to such assessment, shall be final and conclusive. No member of council of said town shall sit upon his own appeal, but the same shall be heard and determined by the other members of said council. After the said valuation and assessment shall be examined and adjusted by the council of said town, all taxes shall be levied, assessed and raised on the real estate, personal property and persons thus valued and assessed, in just and equal proportions and rates. The said assessor, before entering upon the duties of his office, shall be sworn or affirmed diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, which oath or affirmation may be administered to him by any judge, justice of the peace or notary public.

Property of
the assessor
by whom
assessed.

Assessment
list to be
hung up.
Where.

How long.

Court of
appeal.
When held.
Proceedings

Notice.

Determina-
tion final.

Adjustment
of assess-
ment

Taxes.

How levied.

Assessor to
be sworn.

By whom.

Taxes.

List, when
and to whom
delivered.

What to
contain

SECTION 26. The council of said town, after having ascertained the sum necessary to be raised on the said town for the purposes of this act, and after having apportioned the same on the assessment and valuation aforesaid, shall annually, in the month of May, or as soon thereafter as convenient, cause to be delivered to the collector of taxes, if there be one elected by the council of said town, in said year, or, if there be none, to the treasurer of said town, a list containing the names of the taxables, as well the owners of real estate as those not owning real estate, and opposite the name of each the amount of the real estate, his poll and assessable personal property, and the tax on the whole valuation and

*So enrolled

OF CITIES AND TOWNS.

By whom signed.	assessment, and the rate per hundred dollars, and which list shall be signed by the president of said council. The collector of taxes, or, if there be none elected in said year, the treasurer of said town, immediately after receiving said list, shall proceed to collect the taxes rated and contained in said list, and in collecting the same shall have all the powers conferred by law on the collectors of county rates and levies by the provisions of Chapter 12 of the Revised Code of 1852.
Collector's and treasurer's powers in collection of taxes.	In the collection of said taxes, the council of said town shall have the power and authority to order the collector of taxes, or, if there be none, the treasurer, to deduct five per cent. from the amount of the tax assessed against the person or property of any one who will pay such tax by the first day of June in any year following the assessment of the said tax; and if the tax assessed against any person, or the property of any person, be not paid by the first day of January in any year next after the assessment of the same, to order the collector of taxes, or, if there be none, the treasurer, to add five per cent. to the amount of any tax then unpaid, and such increased amount shall be collected out of any taxable liable for the same in the same manner as though said tax had not been increased. The collector of taxes, before entering upon the duties of his office, shall give bond to the town of Dover, with sufficient surety to be approved by the council of said town, in the penal sum of three thousand dollars, conditioned for the faithful performance of the duties of his office and the payment to the treasurer of said town of all moneys collected by him belonging to said town and for the settlement of his accounts with the treasurer of said town in the month of December next following his election as collector of taxes, and at such other times as the council of said town may require, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The collector of taxes shall receive a reasonable compensation for his services, to be determined by the council of said town: <i>provided</i> , that he shall not receive more than ten per cent. on the taxes collected by him.
Power of council to make deduction for the payment of taxes within a certain time.	
Power to make additions.	
Increased amount.	
How collected.	
Bond of collector.	
Condition.	
Warrant of attorney.	
Compensation.	
Proviso.	

SECTION 27. That in addition to the powers hereinbefore given to the collector of town or other taxes for the town of Dover, it shall and may be lawful for the collector of the town of Dover, after demand made by him upon the person against whom a tax may be assessed, either poll, personal or real property, for the payment of the tax assessed, and the failure of said taxable to pay the same on said demand, to

Power of collector to collect taxes by attachment.

OF CITIES AND TOWNS.

give written notice to any person or persons residing in Kent county whom he may suppose to have in his or their possession any goods, chattels, rights, credits, moneys, or wages belonging to or owing to said taxable, stating the amount of taxes due from said delinquent taxable, and if the person served with notice, as aforesaid, shall refuse or neglect for thirty days after such notice to file a statement with the said collector, giving in detail the goods, chattels, rights, credits, moneys or wages in his hands belonging to said delinquent taxable and to deliver the same to the collector, or to pay into the hands of the collector so much money as will satisfy said town and other tax due and owing to said town of Dover from said delinquent taxable, and all costs incurred in and about the collecting of said town and other taxes from said delinquent, the collector may proceed by suit in the name of the town of Dover, before any justice of the peace in the town of Dover, against any person notified as aforesaid and failing as hereinbefore provided, and may recover against him, her or them a judgment for the amount of the town and other taxes due from said delinquent taxable, and all costs. The costs shall be fixed by the justice of the peace and shall conform as near as may in amount as fees in cases now cognizable before justices of the peace. The process, mode of trial, right of appeal and form of proceeding shall be as prescribed in Chapter 99 of the Revised Statutes of this State. The cost for serving the written notice shall be the same as now provided by law in cases of attachment. The oath of the collector shall be sufficient evidence of the demand on the taxable and of the service of notice upon and refusal and neglect of the person in whose hands were or supposed to be goods, chattels, rights, credits, moneys or wages.

Notice.

How proceedings shall be brought.

Costs.

Proceedings

Evidence of demand.

SECTION 28. That the town council of the town of Dover may, by an ordinance enacted at any regular monthly meeting, or by special resolution adopted, release, relieve and exonerate the real property, machinery, implements, tools and other necessary property of any person or persons or corporation used in the business of manufacturing within the limits of the town of Dover, employing not less than six persons, from any assessment for tax for town purposes or other tax over which the town council have power or control and from the payment of the same. No property shall be exempt from taxation aforesaid until such ordinance is enacted or special resolution adopted.

Council authorized to exempt from taxation property used in manufacturing.

OF CITIES AND TOWNS.

Council
authorized
to fix
boundaries
of extension
to State
Street

Proviso.

Property
north of
William St.
not to be
charged for
paving, etc.

SECTION 29. That the town council be and they are hereby authorized and empowered to ascertain and fix the boundaries of the street or road forming the extension or continuance of State street in said town of Dover, from its intersection with William street at the northern limit of said town to Silver lake, and to prescribe the width of the roadway and footways, and ascertain and fix the curb lines thereon, in all respects as if the same were within the limits of the town. *Provided* however nevertheless, that nothing hereinbefore contained shall be construed as authorizing or empowering the said town council to assess, tax or in any manner charge or burden any property lying without the limits of the town of Dover, or to order or require any paving, graveling or curbing to be done on the aforesaid extension of State street north of William street.

When real
estate liable
to water tax

"Dover
Glass Works
Co "exempt
from tax-
ation till
Apr. 21, 1897

SECTION 30. That no parcel of real estate within the limits of the town of Dover shall be liable to any water tax until a fire hydrant or water main shall be placed within one thousand feet of the same. The real estate and all the improvements lately owned by the corporation known as the "Dover Glass Works Company," shall be exempt from the assessment and collection of any town tax until April 21, 1897.

Paving of
streets

SECTION 31. That the town council of the town of Dover, upon the petition of a majority of persons owning property along any of the streets, or a portion of any of the streets of said town, asking that such street, or portion of such street, between the curb lines thereof, be paved with stone, macadamized, or shelled with oyster shells, as the case may be, may direct the said street, or such portion of said street as set forth in the petition, to be paved with stone, macadamized, or shelled with oyster shells, between the curb lines thereof, in such manner as they in their judgment may deem best.

Expenses
of paving:
by whom
paid

SECTION 32. That the expenses incurred by the paving, macadamizing, or shelling of any of the streets of said town, or any portion of the said streets, between the curb lines thereof, shall be borne in the following manner, to wit: two-thirds of the expense to be paid by the property owners along the street, or portion of the street, so paved, macadamized, or shelled, as aforesaid, the remaining third to be paid by the town of Dover.

OF CITIES AND TOWNS.

SECTION 33. That the town council, or a committee appointed by them for that purpose, shall assess two-thirds of the cost of paving, macadamizing, or shelling the said street, or any portion thereof, upon the property owners upon such street or portion thereof so paved, macadamized, or shelled, as aforesaid, according to the frontage of each owner on said street, or portion of said street, and the assessment so made shall be a lien upon the property, and said assessment shall be collected as the cost of paving of sidewalks and curbing is now collected by the said town council under and by virtue of Section 10 of this act.

Property owners to be assessed two-thirds of cost of paving.

Assessment a lien upon property. How collected.

SECTION 34. That in making the improvement on any of the streets contemplated by this act the same kind of material shall be used on any one street from one end to the other, so that there shall be a uniformity in the class of material used; *provided, however*, that the town council may elect to pave with stone, macadamize, or shell with oyster shells, any street, or portion of a street, notwithstanding the petitioners may have designated in their petition the particular kind of material to be used.

Material shall be uniform.

Council may determine material for paving streets.

SECTION 35. That the Levy Court of Kent county shall have charge of the following bridges, namely; the bridge over St. Jones' River near the Dover water works; the bridge over St. Jones' River on the street or road leading from the State House to Little Creek; the bridge on State street at the south end of said street; and the bridge on North street near the Delaware Railroad. The said levy court shall keep said bridges and the abutments thereof in good order and repair, and shall when necessary rebuild the same.

Certain bridges under charge of Levy Court, of Kent County.

Duty of Levy Court to repair bridges.

The said bridges shall be protected at the sides by a wall or railing at least three feet above the grading of the street.

How protected.

SECTION 36. The present alderman, treasurer, clerk, assessor, collector, and town constables shall continue to hold their respective offices until the first Monday in March, 1893, at which time they shall be elected or appointed, subject to the provisions of this act.

Term of certain officers.

SECTION 37. That the town council shall have full power and authority, by vote of two-thirds of all the members composing the said town council, to remove, at any time, any of the officers or employes of said town, elected or appointed by said town council, when they shall deem it expedient and

Council authorized to remove officers.

OF CITIES AND TOWNS.

proper so to do. The president of council, or the person acting as such, shall have full power and authority to demand and remove the badge or insignia of office from any constable or officer, elected or appointed by the town council of the town of Dover, for drunkenness or other misconduct, and to suspend such constable or officer from the performance of his duty until the next meeting of the said town council thereafter.

President of Council may demand badge of constable for misconduct.

Suspension of officer.

Inconsistent acts repealed.

Exception.

Town ordinances declared legal.

Acts of council legalized.

Debts, fines, &c., declared valid.

Power of collector in relation to certain taxes

Bond of officers unaffected.

SECTION 38. The act entitled "An act to reincorporate the town of Dover," passed at Dover, February 27, 1879, and the several acts and parts of acts therein and thereby repealed, and all acts and parts of acts inconsistent with or supplied by this act are hereby repealed and made null and void, saving and excepting, however, from the effect of such repeal, and hereby expressly declaring that all the ordinances of the town of Dover, heretofore enacted or adopted, and now in force in pursuance of any law of this State, shall continue in full force and effect until repealed, altered or amended by the council of said town. That all the acts and doings of the council of said town, or of any officer of said town, lawfully done or performed under the provisions of any law of this State, or of any ordinance of the council of said town, are hereby ratified and confirmed. That all debts, fines or penalties and forfeitures due to said town of Dover, and all debts due from said town of Dover to any person or persons whomsoever, or to any corporation, are hereby declared to be unaffected and unimpaired by this repeal, and all laws of this State for the collection and enforcement thereof shall continue in full force until the same shall be fully paid and discharged. That all the powers now conferred by law upon the collector for the collection and enforcement of all taxes in said town heretofore assessed and uncollected shall continue in full force and effect until all of said taxes shall be fully collected and paid; that the official bond of said collector, and other officers required to give bond, shall be unaffected and unimpaired by this repeal, and that they and their sureties therein shall continue liable for any breaches of any of the conditions of said bonds, and that all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture or debt due to said town, under any law or ordinance, shall not be affected or impaired by this repeal, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged.

OF CITIES AND TOWNS.

SECTION 39. This act shall be deemed and taken to be a public act.

Passed at Dover, March 2, 1893.

CHAPTER 747.

OF DOVER

AN ACT in Relation to the Town of Dover.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein):

SECTION 1. That for the year 1893 the town council of the town of Dover shall hold court of appeal on the first Monday in June, 1893, instead of the first Monday in May, and may adjourn the same from time to time.

Court of
appeal of
1893, to be
held first
Monday in
June

SECTION 2. That for the year 1893 the town council shall have the power and authority to order the collector of taxes to deduct five per cent. from the amount of the tax assessed against the person and property of any one who will pay such tax by the first day of July.

Council may
order col-
lector to
deduct 5 per
centum from
taxes of
1893, paid
by July 1st.

Passed at Dover, April 28, 1893.

OF CITIES AND TOWNS.

CHAPTER 748.

OF DOVER.

AN ACT to repeal an act entitled "An act to authorize the Levy Court of Kent County to Increase the Appropriation to 'The Town of Dover,' for the purpose of keeping the Streets in Repair."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Act of
Apr. 6, 1887,
repealed.

SECTION 1. That the act entitled "An act to authorize the Levy Court of Kent county to increase the appropriation to the town of Dover for the purpose of keeping the streets in repair," passed at Dover, April 6, 1887, be and the same is hereby repealed and made null and void.

Passed at Dover, May 3, 1893.

CHAPTER 749.

OF WYOMING.

AN ACT to authorize the Town Council of the Town of Wyoming to Borrow Four Hundred Dollars for certain purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the legislature concurring therein), as follows, to wit:

Council
authorized
to borrow
\$400, to pur-
chase hook
and ladder
apparatus.

SECTION 1. That the town council of the town of Wyoming be and the same are hereby vested with full power and authority to borrow, upon the faith and credit of said town, the sum of four hundred dollars, to be applied and expended by the said town council in the purchase of instruments and apparatus of a hook and ladder description, for the protection of property in said town against fire.

OF CITIES AND TOWNS.

SECTION 2. That the said town council be and the same are hereby authorized and empowered to issue certificates of indebtedness to secure the repayment of the said four hundred dollars, and such certificates of indebtedness shall be made payable, with the interest thereon, within five years from the date thereof, and at such time or times as the said town council shall by ordinance provide, and shall bear interest at the rate of six per centum per annum from the date thereof. And the said town council are hereby further authorized and empowered to annually levy and collect, in addition to the amount usually collected for town purposes, such amount as will be sufficient to discharge and pay said certificates of indebtedness, together with the interest thereon, as the same shall become due and payable.

May issue
certificates
of indebted-
ness.

When
payable.

Rate of
interest.

Council
authorized
to levy and
collect tax
to pay cer-
tificates.

SECTION 3. That this act shall be deemed and taken to be a public act.

Passed at Dover, March 8, 1893.

CHAPTER 750.

OF MILLSBORO.

AN ACT to incorporate the Town of Millsboro.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the legislature concurring):* That Robert I. Houston, Henry L. Barker, Dr. John W. Fooks, Willard F. Johnson and John W. McGee are hereby appointed commissioners, whose duty it shall be, and they or a majority of them are hereby authorized and empowered, with the assistance of a skillful surveyor, to be by them chosen, to survey and lay down on a plot the town of Millsboro, in Sussex county, establishing its limits and making and describing its streets, alleys, lanes and sidewalks, and shall, when the service is performed, return the plot, under their hands, to the Recorder's office at Georgetown, to be recorded, and the original and the record, or a

Names of
commissioners.

Powers and
duties of
commissioners.

OF CITIES AND TOWNS.

Oath of
commis-
sioners.

certified copy thereof, shall be evidence. The commissioners, and the surveyor, before entering upon their duties under this section, shall take an oath or affirmation to discharge them with fidelity, and the aforesaid return shall show that this qualification was complied with.

Corporate
title.

Municipal
powers.

Proviso.
No compul-
sion to pave
for five years

SECTION 2. *Be it further enacted as aforesaid,* That the commissioners hereby appointed, and their successors in office, to be chosen as hereinafter provided, shall be a body politic and corporate, in fact and in law, by the name of the "Commissioners of the Town of Millsboro," and may sue and be sued by that name; they shall, in addition to the power hereinbefore conferred, have power to regulate the streets, lanes, alleys and sidewalks of said town, and may direct the latter, or such part thereof as they may determine, to be paved the width of at least five feet, or otherwise improved, at the expense of the owner of the ground adjacent; *provided further* that there will be no compulsion for any one to pave their sidewalks for five years from the date of this act; on complaint of any citizen to examine any chimney, stovepipe fixture, or any other matter dangerous to the town, and if adjudged dangerous, to require and compel it to be repaired, remedied or removed; to prevent or remove nuisances therein; to prohibit the firing of guns or pistols, the making of bonfires, or setting off fireworks, or any dangerous sport or practice, and to prevent or suppress any noisy or turbulent assemblages of negroes, boys, or other persons within the town, and generally they shall have all the powers which by any law of this State are conferred on the commissioners of the town of Dover.

Annual
election of
commis-
sioners.

Where held.

Number of
commis-
sioners.

Officers of
election.

Duties.

SECTION 3. *Be it further enacted as aforesaid,* That the commissioners herein named shall continue in office until the first Saturday in March, A. D. 1894, on which day in that year, and on the same day in every year thereafter, there shall be held an election in the said town of Millsboro, at the public schoolhouse therein, from the hour of two till the hour of four o'clock, p. m., for five commissioners, who shall be residents of said town and freeholders therein. The said election may be held by the justice of the peace and two citizens chosen by the people present entitled to a vote, who shall be judges of said election and shall decide the legality of the votes offered. They shall receive the ballots, ascertain the result, and certify the same on the books of the commissioners. At such election every male taxable of said town above the age

OF CITIES AND TOWNS.

of twenty-one years, and who shall have paid the town tax last assessed to him, shall be entitled to vote, and the husbands of women freeholders in said town shall be entitled to vote at said election *provided* the town tax last assessed to them shall first have been paid. At said election, each person entitled to vote shall be entitled to one vote for each dollar, or fractional part thereof, which shall have been paid by them or their wives as town tax on the property so assessed for the year next preceding the said election. At the said election to be held on the first Saturday in March, A. D. 1894, aforesaid, three of the commissioners to be elected shall serve for the term of one year, or until their successors shall be elected, and two of the commissioners to be elected shall serve for the term of two years or until their successors shall be elected, and at each subsequent annual election the successors of the commissioners whose terms shall have expired shall be chosen to serve for the term of two years, or until their successors shall be elected; and if any vacancies shall occur in said board of commissioners by death, resignation, refusal to serve or otherwise of any member thereof, the remaining commissioners shall have the power to fill such vacancy or vacancies until the ensuing annual election, at which time said vacancies shall be filled by election of commissioners to fill out the whole of the unexpired term or terms of the commissioners in whose stead they shall be elected.

Who may vote.

Voting.

Terms of commissioners.

Succession.

Vacancies during year; how filled.

SECTION 4. *Be it further enacted as aforesaid,* That there shall be four stated meetings in every year of the said commissioners, viz: on the second Wednesday in March, June, September and December, at which meetings they may pass all such ordinances or rules for the good government of the said town, the improvement of the streets, the paving or other improving of the sidewalks, the planting and protection of ornamental trees, the repairs and making of public pumps, and for all other matters relating to the general welfare of said town as said commissioners may deem proper, *provided* the same be not repugnant to the constitution and laws of the State and of the United States. By such ordinances they may impose fines, penalties and forfeitures, and provide for their collection. Also the president shall, at the request of two or more commissioners, call a special meeting of the commissioners whenever they may deem such meeting necessary, and at such meeting they shall have the right to transact any business that they may have power to transact

Stated meetings.

Proceedings.

Proviso.

Provisions of ordinances.

Special meetings.

OF CITIES AND TOWNS.

Organization of commissioners.
Duties of president.

at regular meetings. The said commissioners shall, at their first meeting after the election, elect one of their number as president of said board, whose duty it shall be to preside at the meetings of the board, have the general supervision of all streets in said town and of the persons who may be employed by the town commissioners, receive complaints of nuisances, and other complaints of citizens of violation of the laws and ordinances, and present the same to the commissioners at their first meeting for action, and violations or infractions of the laws or ordinances as require immediate action to cause the same to be proceeded on before the alderman. He shall sign all warrants on the treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the town commissioners.

Tax levy not to exceed five hundred dollars.

Assessor.

Collector and treasurer.

Duties of assessor.

Assessment.

Proviso.

What lands exempt.

Duplicate; contents of.

SECTION 5. *Be it further enacted as aforesaid,* That the commissioners herein named and their successors in office shall, at their first stated meeting in every year, determine the amount of tax to be raised on said town for that year, not exceeding five hundred dollars, including tax on real and personal property and poll tax; and they shall appoint an assessor, who may or may not be one of their number, to make an assessment of persons and property in said town; and shall also appoint a collector and treasurer who may or may not be of their number. The collector and treasurer may be the same person. It shall be the duty of the assessor of said town, within two weeks from his appointment, to make a true, just and impartial valuation and assessment of all the real estate and assessable personal property within the said town, and also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well those owning real estate as those not owning real estate, at least fifty cents per head as tax, *provided* that all vacant lots, pieces and parcels of land included within the limits of the town, as the limits may be determined and designated, exceeding one acre in quantity, shall be exempt from taxation for the uses and purposes of said town of Millsboro, but all such lots, pieces and parcels of land exceeding an acre as aforesaid, having a dwelling thereon, shall be assessed and taxed as and for one town lot. And the said assessor shall forthwith, after making such assessment, deliver to the commissioners for the time being a duplicate containing the names of all persons assessed and the amount of assessment, distinguishing the real and personal assessment of each.

OF CITIES AND TOWNS.

When the assessment is returned the commissioners shall give five days public notice of the fact, and they will sit together at a certain place, and on a certain day, to be designated by them, from two to four o'clock in the afternoon, to hear appeals from said assessment; they shall have power on such day to add to or decrease any assessment except that of poll, which shall always remain at the figures above stated, fifty cents per head. When the appeal day is passed, they shall without delay cause the assessment list to be transcribed and the transcript to be delivered to the collector, who shall thereupon collect from each taxable his proportion of the tax laid, and pay over the whole amount, deducting commissions and delinquencies, which shall be allowed by the commissioners to the treasurer by the first day of June next after the receipt of his duplicate. The collector shall have the same power for the collection of said taxes [as are conferred by law upon collectors of county taxes]; *provided however* that in making said assessment for the town of Millsboro that all machinery in any manufactory now in said town, or that hereafter may be erected, shall be exempted from taxation for town purposes, and that only the real estate and buildings belonging to said factories shall be taxed.

Appeal.

Collection of taxes.

Powers of collector.

Machinery exempt from taxation.

SECTION 6. *Be it further enacted as aforesaid*, That the commissioners, or a majority of them, shall have authority to employ and use the money in the treasury of the town for the general improvement, benefit and ornament of the said town, as they may deem advisable, and all money paid out by the treasurer shall be paid upon the order of the commissioners, or a majority of them; *provided* that said commissioners shall have no authority to create debts on said town to a greater amount than they are authorized to raise by taxation and collect from the county.

Application of town moneys.

How paid.

Proviso.

SECTION 7. *Be it enacted as aforesaid*, That any ordinance for the paving or improving the sidewalks shall apply only to those persons owning the property affronting upon them, who, and who alone, shall bear the expense of making the pavements or other improvements when the same shall be ordered. If such ordinance be not complied with within three months, the commissioners may procure the materials and work to be found and done and collect the expense of the same, on ten days notice by advertisement at three of the most public places in said town, out of the personal or real estate of the person in default situated in said town; the

Paving ordinance to apply to persons owning land affronting them.

Commissioners to do work and collect expense if ordinance not complied with.

OF CITIES AND TOWNS.

Proceedings sale may be made by any person whom the commissioners may depute for that purpose, and if the proper notice has been given the sale shall be valid, and shall transfer all the title of the person in default in such property to the purchaser, subject to prior liens and incumbrances. The money realized from the sale shall be paid to the treasurer for the use of the town, but if there be any surplus, after meeting the claim for which the sale was made, such surplus shall be paid to the person in default. The commissioners shall allow reasonable fees for seizing the property and making sale.

Moneys from sale, how applied

Fees.

President and commissioners to have superintendence of streets.

SECTION 8. *Be it further enacted as aforesaid,* That the president and commissioners for the time being shall have the superintendence and oversight of all the roads and streets now opened, or hereafter to be opened, within the limits of said town, and no overseer of any such road or street shall be appointed by the Levy Court of Sussex county, but the said levy court shall annually appropriate for the repair of said roads and streets a sum of money not less than three hundred dollars, and shall make an order for the payment thereof to the treasurer of the town of Millsboro for the use of said town.

Levy Court shall appropriate \$300 annually.

To whom paid.

Oath of treasurer and collector.

Bond of treasurer and collector.

Conditions.

Treasurer to pay moneys on order. How drawn.

SECTION 9. *Be it further enacted as aforesaid,* That the treasurer and collector shall be severally sworn or affirmed to discharge their respective duties with fidelity; such oath or affirmation may be administered by any person authorized by the laws of this State to administer oaths, or by the president of the board of commissioners. They shall also, before entering upon the duties of their office, give bond to the town of Millsboro, with sufficient surety to be approved by the commissioners of said town, in the penal sum of double the amount of what may be likely to come into their hands, conditioned for the faithful discharge of the duties of their said offices and for the payment to their successors in office of all sums of money belonging to said town which may remain in their hands upon the settlements of their accounts, to which said bond and condition there shall be annexed a warrant of attorney for the confession of judgment for said penalty. The said treasurer shall pay all orders drawn on him by order of said commissioners, and signed by the president thereof, out of any moneys in his hands belonging to said town. He shall settle his accounts with the said commissioners annually in the month of March, and at such other times as the said commissioners may require. The

OF CITIES AND TOWNS.

treasurer, clerk, and assessor of said town, shall each receive a reasonable compensation for their services, to be determined by the commissioners of said town; *provided* the compensation of the said treasurer, as such, shall not exceed two per cent. on all moneys received by him belonging to said town, and of the treasurer acting as collector shall not exceed eight per centum on the taxes collected by him.

Compensation of officers.
Proviso.

Limit 2 per cent. and 8 per cent.

SECTION 10. *Be it further enacted as aforesaid,* That the town commissioners, at their first meeting, or as soon thereafter as convenient, shall annually proceed to elect by ballot some suitable person, resident in said town, to be alderman of the town of Millsboro, who may or may not be a justice of the peace resident of said town, to serve as such for the term of one year or until his successor shall be duly elected, subject however to be removed from office at any time by a vote of two-thirds of all the members of the board of town commissioners. Before entering upon the duties of his office he shall be sworn, or affirmed, by the president of the board of commissioners, or by any one of the commissioners, to perform the duties of his office honestly, faithfully and diligently, and all the provisions of Sections three (3) and four (4) of the act to incorporate the town of Milton, passed at Dover, March the third, A. D., 1881, shall apply to and are hereby extended and applied to the said alderman of the town of Millsboro.

Election of alderman.

Qualifications.

Term of office.

Oath of alderman

Powers and duties of alderman.

SECTION 11. *Be it further enacted as aforesaid,* That the commissioners shall appoint a town clerk, who may or may not be one of their number, who shall keep a record of the proceedings of the commissioners, and the same shall be evidence.

Town clerk.

Duties of.

SECTION 12. *Be it further enacted as aforesaid,* That the commissioners shall appoint a town constable.

Town constable.

SECTION 13. *Be it further enacted as aforesaid,* that it shall be the duty of the alderman of said town, and of the town constable, to suppress all riotous, turbulent, disorderly or noisy assemblages or gatherings of persons in or at any building used for any fair, festival, concert or any other social, literary or religious meeting, or any entertainment whatsoever, or in the streets, lanes, or alleys of said town at any time or season whatever; to prevent all gatherings whatever which may obstruct or interfere with the free use of the streets, lanes, alleys, or sidewalks; and for this

Duty of alderman and constable to preserve order.

OF CITIES AND TOWNS.

Arrest of offenders.	purpose it shall be the duty of said constable to seize and arrest any such persons so offending and take them or him before the alderman of said town, whose duty it shall be to hear and determine the case, and upon conviction before him the alderman shall sentence any such persons so convicted to pay a fine not exceeding ten dollars, and may commit the party or parties to prison for a period not exceeding thirty days, or until the said fines and costs shall be paid. It shall be the duty of the alderman of said town, upon complaint made before him of any such riotous, turbulent or noisy assemblages, or gatherings as aforesaid, to issue his warrant to the constable aforesaid, commanding him to arrest and bring any such person so offending as aforesaid before him for trial. It shall be the duty of the constable aforesaid to arrest any drunken or disorderly person who may be seen on the streets of said town [and take them or him before the alderman of said town] who shall proceed forthwith to hear and determine the case, and upon conviction before him, he shall sentence such person in the same manner and to the same punishment provided in this section for the punishment of persons brought before him for the offenses in this section first enumerated. If, upon view of the person or persons who may be brought before the alderman of said town for violation of this section it shall appear to the alderman that, in his judgment, such person or persons are not in a condition to be heard and tried, he may use his own discretion in fixing or appointing a time for trial of all such person or persons brought before him for violating this section. The fee to the alderman of said town for the trial of any cause under this section shall be fifty cents, and to the constable making the arrest fifty cents, and in all cases of fees for the alderman and constable not herein provided for they shall be entitled to receive the same fees as are specified by law to be paid to justices of the peace and constables in like cases.
Hearing.	
Penalties.	
Duty of alderman to issue warrant.	
Duty of constable to make arrests.	
Hearing.	
Penalties.	
Alderman may exercise discretion as to time of hearing.	
Fees of alderman and constable.	

SECTION 14. *Be it further enacted as aforesaid,* That this act shall be deemed and taken to be a public act, and shall be printed among the laws of this State.

Passed at Dover, March 9, 1893.

OF CITIES AND TOWNS.

CHAPTER 751.

OF MAGNOLIA.

AN ACT to authorize the Town Council of the Town of Magnolia to borrow a sum of money not exceeding Three Hundred Dollars for certain purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch of the legislature concurring therein):

SECTION 1. That the town council of the town of Magnolia be and the same are hereby authorized and empowered to borrow, upon the faith and credit of said town, a sum of money not exceeding three hundred dollars, to be used by said town council in assisting citizens of the town in the purchase of a fire engine and appurtenances thereto to protect property in said town against fire.

Council authorized to borrow \$300 to pay for fire apparatus.

SECTION 2. That the said town council be and the same are hereby authorized and empowered to issue certificates of indebtedness to secure the repayment of said sum of money so borrowed as aforesaid, and such certificates of indebtedness shall be made payable, with the interest thereon, within six years from the date thereof, and at such time or times as said town council shall by ordinance provide, and shall bear interest at the rate of six per centum per annum. And for the purpose of raising the money necessary to pay and discharge said certificates of indebtedness as the same become [due] and payable, together with the interest thereon, the said town council are hereby authorized and empowered to levy and collect, in addition to the amount of money usually raised for town purposes, such sum of money in each and every year in which any such certificate or certificates of indebtedness may become due and payable as will be sufficient to pay and discharge such certificate or certificates of indebtedness so becoming due and payable, together with the interest thereon.

May issue certificates of indebtedness.

When payable.

Interest.

Council may levy and collect tax to pay certificates.

Passed at Dover, March 9, 1893.

OF CITIES AND TOWNS.

CHAPTER 752.

OF CAMDEN.

AN ACT to amend Section 25 of Chapter 642, Volume 18, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

Commissioners authorized to build jail without consent of voters.

SECTION 1. That Section 25 of Chapter 642, Volume 18, Laws of Delaware, be and the same is hereby amended by striking out the following words between the word "commissioner," in the second line of said section, and the word "shall," in the third line of said section, viz: "by and with the advice and consent of a majority of the voters of said town".

SECTION 2. That this act shall be deemed and taken to be a public act, and shall be printed among the laws of this State.

Passed at Dover, March 9, 1893.

CHAPTER 753.

OF ODESSA.

AN ACT to Tax Dogs in the Town of Odessa.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met, (two-thirds of each branch concurring therein):

Duty of keepers of dogs to have them registered.

SECTION 1. That from and after the passage of this act every owner, keeper or harbinger of a dog in the town of Odessa shall, on or before the first day of July in each and every year, come forward and have registered by the town treasurer his or her dog or dogs, for which he or she shall

OF CITIES AND TOWNS.

pay fifty cents as owner, keeper or harbinger of one dog, and Fee.
one dollar for each and every dog more than one.

SECTION 2. Any person owning, keeping or harboring a dog after the first day of July above mentioned, who shall neglect to come forward and have registered and pay to the town treasurer the registering fee for any dog or dogs they may have after the said first day of July for ten days, it shall be the duty of the town police, constable, or any one the town commissioners may direct, to kill or dispose of any and all dogs that have not been registered and paid the fee above mentioned.

Duty of town commissioners to order dogs killed that are not registered by first day of July.

SECTION 3. The word dog in the above section shall be taken and construed to mean all animals of the dog kind over ten weeks old.

The word "dog;" how construed.

SECTION 4. The town treasurer shall furnish for each dog so registered, and on which the said fee shall have been paid, a brass tag of not less than one inch in length, with a number stamped thereon, which said tag shall be worn with a strap around the neck of said dog so registered.

Tag to be worn by registered dogs.

SECTION 5. The brass tags above mentioned shall be annually furnished to the said town treasurer by the secretary of the town commissioners, the cost of which tags shall not exceed ten cents each, to be paid out of the moneys so collected as dog tax.

Tags; by whom furnished. Cost of.

SECTION 6. All acts and parts of acts inconsistent with this act are hereby repealed.

Inconsistent acts repealed.

Passed at Dover, March 9, 1893.

OF CITIES AND TOWNS.

CHAPTER 754.

OF MIDDLETOWN.

AN ACT, being a supplement to Chapter 36, Vol. 12, Laws of Delaware, entitled "An act to incorporate the Town of Middletown."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the legislature concurring):

Collector of
taxes pro-
vided for.

SECTION 1. That from and after the passage of this act the duty of the treasurer of Middletown be changed and the collection of taxes shall be done by a collector hereinafter provided for. The annual compensation of said treasurer shall not exceed one hundred dollars.

Commis-
sioners to
appoint tax
collector.

SECTION 2. That the commissioners of the town of Middletown, immediately after the passage of this act, and annually thereafter, shall appoint a suitable person to collect the taxes of said town, and said collector shall have all the power conferred upon the collector of the school levy in the school districts of the town of Middletown.

Bond re-
quired.

The commissioners shall require a satisfactory bond for the faithful performance of his duty. The said collector shall weekly pay over to the treasurer of said town all money so collected as taxes, deducting such percentage as shall be allowed as compensation by the commissioners of the town of Middletown.

Collections
to be paid
over weekly
Commis-
sions de-
ducted.

Abatements

Five per
cent added
after De-
cember 1st.

SECTION 3. That upon all town taxes paid to the said collector on or before the first day of July of each year the said collector shall make an abatement of five per centum, and upon all taxes unpaid on the first day of December of each year there shall be added thereto five per centum.

Offenders
may be re-
quired to
labor upon
the streets.
Town com-
missioners
authorized
to borrow
\$3,000 to be
applied to
completion
of water
works.

SECTION 4. To amend Sec. 11 by inserting after the word "days," of line 12 the words "or may compel such person or persons as fail to pay the fines imposed under and by authority of Section 11 to labor upon the streets of said town, or in such other manner as the town commissioners may direct, until a reasonable compensation allowed for such work shall be equal to the fine imposed. That the 'Town Commissioners of the town of Middletown,' shall have power and authority under and by virtue of an ordinance to be

OF CITIES AND TOWNS.

passed by the said commissioners, to borrow, on the faith and credit of said town, the sum of three thousand dollars, which shall be applied to the improvement or completion of the water works, and not to any other purpose."

SECTION 5. That all acts and parts of acts inconsistent with this act be and the same are hereby repealed. Inconsistent acts repealed.

Passed at Dover, March 10, 1893.

CHAPTER 755.

OF FREDERICA.

AN ACT authorizing the laying out of a New Street in the Town of Frederica.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the legislature concurring):

SECTION 1. That the commissioners of the town of Frederica who may be in office after the first Monday in March in the year eighteen hundred and ninety-three, and entitled to hold during that year, shall have power if, in their judgment, or the judgment of a majority of them, it shall be deemed proper to lay out in said town a street of the width of thirty feet, beginning at Front or old Main street, and at the corner of land now held and occupied by Noah Blades, and running thence along the line between land of James T. Postles and Noah Blades, as the same is now existing, and thence continuing along the line between the said James T. Postles and Sarah A. Anderson, wife of James B. Anderson, until it strikes David street, but so as that the said street shall be and run wholly on land now owned by the said James T. Postles, and shall be, by him or those owning the said land and claiming under him, dedicated to public use as a street or thoroughfare of said town without cost or compensation, and shall be opened and put in order

Town commissioners authorized to lay out a street.

Location of street.

To be run on lands of James T. Postles.

OF CITIES AND TOWNS.

At James T. Postles' ex-
sense.

When to be
a public
street.

To be a part
of town plot

Commis-
sioners to
make return
with plot.

Plot and
return to be
recorded.

for public use and travel at the expense of the said James T. Postles or such person as may then hold through or under him the land over which the said street shall be laid out; and when the same shall have been so laid out and opened it shall be a public street of said town, and the two streets, lanes or alleys laid down by the commissioners named in the first section of the act entitled "An act to incorporate the town of Frederica," passed at Dover, March 8th, 1865, and appearing on the plot by them returned into the office of the Recorder of Deeds at Dover, and thereon exhibited, one thereof diverging from Front, or old Main street, and running in a southeasterly direction until it reaches the line of David street extended as shown on said plot, and the other apparently constituting an extension of David street until it reaches the street, lane or alley above mentioned as laid down on said plot, or so much thereof as shall be by the said commissioners adjudged and declared as proper to be closed and withdrawn from public use, shall be vacated and shall belong to and may be appropriated and used as their own by such person or persons respectively as may at the time of such closing and vacating own the land on which such streets, lanes, or alleys or such part thereof as may be so adjudged and declared to be proper to be closed and vacated were laid out. The commissioners acting under the authority of this act, if they shall deem proper to lay out any such new street and to adjudge and declare the whole or any part of said two streets, lanes or alleys shown on said plot in the recorder's office aforesaid as proper to be closed and vacated, shall make or caused to be made a return of their finding with a plot distinctly showing the new street so laid out, and also the streets, lanes or alleys or the parts thereof which they shall adjudge and declare to be closed and vacated, and shall return the same into the office of the said Recorder of Deeds to be recorded, and such record shall be evidence.

Passed at Dover, March 15, 1893.

OF CITIES AND TOWNS.

CHAPTER 756.

OF THE CITY OF NEW CASTLE.

AN ACT to amend and supplement Section 26 of Chapter 152, Volume 15, of the Laws of Delaware, entitled "Of the City of New Castle."

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

SECTION 1. That Section 26 of Chapter 152, Volume 15 of the Laws of Delaware, entitled "Of the City of New Castle," be and the same is hereby amended by striking out all of said section after the words "New Castle" in the second line thereof, and inserting in lieu thereof the following: "shall hereafter be kept up and repaired by the said city within its limits. That the public causeway and bridges within the limits of said city shall continue to be kept up and repaired by the county of New Castle as heretofore."

Section 26, Chap. 152, Volume 15, amended.
Roads to be kept up by city within its limits.
Causeway and bridges to be maintained by county.

That from and after the passage of this act the road commissioners of New Castle hundred shall not lay, nor shall any receiver or collector of taxes collect, any road tax on or from any property situated within the limits of the city of New Castle, nor upon any poll assessment of any person residing within the limits of said city; but the city council of New Castle shall meet annually within twenty days after the city assessment has been completed and estimate and determine what sum of money will be necessary to be raised for the roads and streets of said city, and shall calculate the rate per centum thereof on the assessment of said city and shall lay the tax accordingly; *provided* that the said rate shall not exceed the sum of twenty cents on the hundred dollars.

Taxes that shall not be collected by county officers.
Duty of council of New Castle to levy tax for city roads and streets.
Rate

The city council shall appoint a fit person, residing in said city, to be the collector of the road and street tax so laid, who shall give bond, with sufficient surety to be approved by the council, for the faithful performance of his duties, in double the amount of tax to be collected. Said bond shall be taken in the name of "The Mayor and Council of New Castle," and shall have a warrant of attorney attached confessing judgment thereon. Failure to give said bond within ten days after appointment shall work a forfeiture of office. On the death, resignation, expiration of the term, removal from the

City council shall appoint collector of road and street tax.
Bond.
Conditions.
Failure to give bond shall forfeit office.

OF CITIES AND TOWNS.

Collector's books and papers; to whom delivered.	city or from office of said collector (and council may remove from office for proper cause), his official books, papers and duplicates shall be delivered to his successor in office, if any, if not, to the city council, should they desire the same. The
Term of office of collector.	term of office of said collector shall be for one year from the date of his appointment. Within ten days after his appointment the city council shall give to said collector a duplicate
Duplicate; when to be delivered.	of and warrant for the collection of the tax so laid, and he shall proceed forthwith to collect the same, and for such
Powers of collector.	purpose he shall have all the powers now conferred by law upon the collector of the city taxes, and all of the provisions of Sections 19 and 20 of said Chapter 152 of Volume 15 shall
Laws applicable.	apply to the collector to be appointed under this act (and his sureties in case of the default of said collector) as fully as though herein fully set forth. The collector shall pay over
Moneys to be paid over monthly.	to the treasurer of the city, on the first Monday of every month, all moneys that shall come into his hands under the provisions of this act, and also pay over all balance in his hands immediately upon the expiration of his term; and the treasurer shall hold the same as other city moneys are held, subject to the order and direction of the city council. The
Commissions of collector.	collector shall have the same compensation as commissions for his services as are allowed the city collector for the collection of city taxes. This act shall not apply to the road
Act not to apply to road tax of 1892.	tax laid for the year 1892.
Abatements; when to be allowed.	That on all taxes under this section paid before the first day of September there shall be an abatement of five per cent.; on all paid before the first day of December there shall be an abatement of three per cent.; on all taxes unpaid on the first day of January and paid before the first day of February, one per cent. thereof shall be added thereto; on all taxes unpaid on the first day of February and paid before [the] first day of March, two per cent. shall be added thereto; on all taxes unpaid on [the] first day of March and paid before the first day of April, three per cent. shall be added thereto; on all taxes unpaid on the first day of April and paid before the first day of May, four per cent. shall be added thereto; on all taxes unpaid on the first day of May, five per cent. shall be added thereto. And the council of New Castle shall
Additions when to be made.	annually, on or before the first day of November in each year, pay or cause to be paid to the road commissioners of New Castle hundred the sum of six hundred dollars, which sum shall be applied by the said commissioners in the same manner as other taxes collected by them.
Council to pay \$600 annually to road commissioners.	

OF CITIES AND TOWNS.

SECTION 2. The Receiver of Taxes for the County of New Castle, in collecting the road tax for New Castle hundred outside of the city of New Castle, shall examine any person whose name appears upon the duplicate for New Castle hundred, upon oath administered by said receiver, to ascertain what persons and estates are within or without the limits of the city of New Castle; and if any person making such affidavit shall knowingly swear or affirm falsely he shall be guilty of perjury and shall suffer the same punishment as shall at the time be provided by law against willful and corrupt perjury.

Duty of Receiver of taxes.

Affidavit of taxable.

Penalty for false swearing.

SECTION 3. This act shall be deemed a public act.

Passed at Dover, March 17, 1893.

CHAPTER 757.

OF MILFORD.

AN ACT to amend Chapter 161, Volume 18, of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the legislature concurring therein):

SECTION 1. That Chapter 161 of Volume 18 of the Laws of Delaware, entitled "An act to reincorporate the Town of Milford," be and the same is hereby amended, as follows, to wit: In the third line of Section 13 strike out the word "April" and insert the word "March;" also in the twenty-sixth line strike out the word "hanging" and insert the word "holding." In the seventeenth line of Section 14, after the word "levies," insert the words "or collector of school taxes;" and in the nineteenth line strike out the word "one" between "sum" and "thousand" and insert the word "two;" also, in the thirty-third line, strike out the word "three," between the words "of" and "thousand," and insert the word "four." In the sixteenth line of Section 17 strike out the word "two," between the words "of" and "thousand,"

Chap 161, Vol 18, amended.

Assessment to be made in March.

Of "holding" appeals

Powers to collect taxes

Amount of collector's bond.

Limit of tax levy.

OF CITIES AND TOWNS.

Limit of town indebtedness.
 Secretary's salary.
 Report of Board of Health to be in writing.

and insert the word "four;" in the fourth line of Section 20, strike out the word "thirty," between the words "than" and "dollars," and insert the word "fifty." In the eighth line of Section 23, between the words "council" and "whatever," insert the words "in writing."

Passed at Dover, March 23, 1893.

CHAPTER 758.

OF MILFORD.

AN ACT to amend Chapter 232, Volume 19, of the Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring therein, as follows, to wit:)

Chap. 232,
 Vol. 19,
 amended.

Council to
 levy special
 tax in its
 discretion.

Leasehold
 exemption
 repealed.

Time of
 holding
 election

Both males
 and females
 may vote by
 proxy.

Who shall
 audit report.

SECTION 1. That Chapter 232 of Volume 19 of the Laws of Delaware entitled "An act to allow the town council of Milford to issue bonds for certain purposes," be and the same is hereby amended as follows, to wit: Strike out of the ninth line of Section 3 of said chapter the word "also" and insert in lieu thereof the word "further," and between the words "authorized" and "empowered" in the same line the word "and," and strike out "and directed" and insert in lieu thereof "at its discretion," and strike out all of the concluding paragraph of Section 3 after the word "approve" in the twenty-seventh line. In Section 4, ninth line after the word "leaseholders," insert the word "resident," and in the nineteenth line after the word "each" insert the word "resident." Also in the eleventh line, after the word "Tuesday," insert "after the first Monday"; in the twenty-first line insert between the words "and" and "females" the words "both males and"; and in the forty-ninth line after the word "lighting" insert "and all other revenue"; and in the fifty second line after the word "same" insert "which report shall be audited by the same auditors as are appointed to audit the accounts of the town." In Section 6, ninth line,

OF CITIES AND TOWNS.

after the word "Milford," insert "semi-annually on or before the twentieth day of June and the twentieth day of December in each and every year." And in the ninth line, after the words "for the," insert "payment of interest and for the"; and in the twenty-first line, after the word "dollars," insert "and for fire protection a further sum of one thousand dollars, payable from March first, 1893."

When surplus shall be paid to town Surplus: for what to be used. Additional amount to be paid by town to light and water commissioners.

Passed at Dover, April 13, 1893.

CHAPTER 759.

OF BRIDGEVILLE.

AN ACT to amend Chapter 126, Volume 14, Laws of Delaware, relating to the Town of Bridgeville.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the time of holding the town election in the town of Bridgeville, Sussex county, as provided for in Section 1, Chapter 126, Volume 14, Laws of Delaware, be and the same is hereby changed from the first Monday of April to the first Monday of February, to take effect after the year 1893.

Time of holding election.

And add to the said Section 1 of Chapter 126, Volume 14, Laws of Delaware, after the word "offered," in line twenty-five thereof, the following: "And in case of the absence, inability, or failure of the justice of the peace to serve and perform the duties of one of the judges at the election, as required by this act, it shall be the duty of the commissioners of Bridgeville to select a competent citizen of the said incorporated town to perform the duties hereof required of the State's justice of the peace in said town for the said election".

Who to act as judge in absence of justice of the peace.

SECTION 2. That all pieces and parcels of land within the limits of the town of Bridgeville shall be taxed according to their assessed value.

Lands to be taxed according to assessed value.

OF CITIES AND TOWNS.

Assessment to be made annually in February.	SECTION 3. That the assessor of the town shall annually, during the month of February, make a true, just and impartial valuation or assessment of all the real estate of said town and also an assessment of all the male citizens residing in said town above the age of twenty-one years, as well those owning as those not owning real estate within its limits; and the said assessor shall forthwith, after making such assessment, deliver to the commissioners for the time being a duplicate containing the names of all persons assessed and the amount of their assessments, distinguishing the real and personal assessments of each. The commissioners shall assess the real estate and person of their assessor. The commissioners shall, between the first and twentieth days of March, cause a full and complete transcript of said duplicate to be hung up in a public place in the post office in said town, there to remain for the space of one week thereafter for public inspection; and the said commissioners shall, on Wednesday next after the expiration of the said one week, hold a court of appeal, which shall continue open from one o'clock p. m. until four o'clock p. m. of said day, when they shall hear and determine appeals from said assessment. Notice of the hanging up of the list, and also at the same time notice of the time and place of hearing appeals, shall be given by notices posted in at least six public places in said town. The decision of the commissioners upon any appeal shall be final and conclusive. No commissioner shall sit upon his own appeal, but the same shall be heard and determined by the others. After the valuation and assessment shall be examined and adjusted by the said commissioners, all taxes shall be levied, assessed and raised on the real estate and persons thus valued and assessed in just and equal proportions and rates. The assessor, immediately after his election, and before entering upon the duties of his office, shall be sworn or affirmed, by some justice of the peace, diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, and a certificate shall be made by the person administering the oath or affirmation in the record book of the commissioners containing the certificate of the election of the alderman, commissioners, assessor and treasurer of the town of Bridgeville.
Delivery of duplicates. Contents of.	
Assessment of assessor's property.	
Transcript of duplicate to be hung in post office.	
Appeal; when to be held.	
Notice of hanging up of list and of appeals.	
Decision final.	
Commissioners' appeals; how determined.	
Adjustment of taxes.	
Oath of assessor.	
Certificate	
Dogs to be taxed.	SECTION 4. That the owners or holders of dogs within the corporate limits of the town of Bridgeville shall pay a tax of fifty cents on every male dog and a tax of one dollar
Rates.	

OF CITIES AND TOWNS.

on every female dog over two months old. Every dog, male or female, upon which the owner shall refuse to pay the tax shall be surrendered to the town commissioners, who shall have power to dispose of the same. Dogs un-
taxed how
disposed of.

SECTION 5. That the commissioners, or a majority of them, be and they are hereby authorized and required, upon the written petition of five or more freeholders of said town, to direct, in writing, the owner or owners of any houses or land in Bridgeville, before or in front of which they may deem proper that a pavement should be made, to curb and lay a pavement of brick or smooth stone of such length and width as the said commissioners may specify, and if such owner or owners shall neglect or refuse, for the space of three months, after being directed as aforesaid to lay such pavement with good and sufficient curbs, it shall and may be lawful for the commissioners, and they or a majority of them are authorized and required, to cause such pavements and curbs to be made, and to recover the costs of making the same by the distress and sale of any goods and chattels, lands and tenements belonging to such owner or owners within the limits of the said town. If any pavement already made shall, at any time, by the said commissioners, or a majority of them, be deemed an insufficient pavement, they or a majority of them shall have power, and are hereby required to direct, in writing, the owner or owners thereof to make a sufficient one, and upon neglect or refusal so to do for the space of three months, the said commissioners, or a majority of them, shall cause the same to be done and recover the costs of so doing the same in like manner as above prescribed in cases of new pavement. Notice to one joint owner shall be notice to all, and in case no owner shall reside in the town, notice to the occupant shall be, deemed a sufficient notice to the owners. The said commissioners, or a majority of them, may cause such sidewalks or portions thereof as are unpaved to be covered with gravel, sand or dirt, if they deem them not proper to be paved, and shall cause them to be put in good order for the convenience of the citizens of said town, and may cause flag stones, or such material as is deemed necessary, to be put down at the crossing of the streets wherever they may think proper, and the cost of doing the same shall be defrayed out of the funds of the town. If any lot or lots on any of the said streets shall be held or owned by a widow or widows as and for her dower, such expenses incurred as aforesaid for the lot or lots so held shall be paid by the owner or owners of Commis-
sioners
powers to
order paving
of streets.

Paving;
when to be
done by
commis-
sioners.

Costs: how
recovered.

Repairing
of pave-
ments; how
effected.

Costs of
same; how
recovered.

Notice to
property
owners.
Commis-
sioners may
have pave-
ments cov-
ered with
sand, etc.

May lay flag
stones and
crossings.

Costs to be
defrayed by
the town.

Expenses
upon dower
lands to be
paid by the
reversioner.

OF CITIES AND TOWNS.

the reversion in fee simple; and if such owner or owners be minor at the time of such expenses being incurred, then to be paid by the guardian or agent acting for such minor or minors out of any money or effects of such minor or minors, and a receipt therefor to such guardian or agent shall be sufficient evidence of such payment and be allowed in his or her guardian or agent's account, and if not paid by the guardian or agent as aforesaid on the presentation of the bill the same to remain on interest from the day of the presentation and be a lien against such lot and improvements until paid; all subsequent repairs named in this act to be kept up at the expense of such tenant in dower.

Expenses against minors land to be paid by guardian.

Allowance to guardian.

When expenses a lien.

Repairs to be kept up by tenants in dower.

Appropriation for streets increased to two hundred dollars.

SECTION 6. That the amount directed by Section 5 of said act to be apportioned and paid annually to the commissioners of the town of Bridgeville, to be by them expended in repairing and maintaining in proper order the roads, streets and bridges within the limits of said town, be and the same is hereby increased from one hundred dollars to the sum of two hundred dollars.

Parts of chap. 126, vol. 14, in force.

SECTION 7. All sections or parts of Chapter 126, Volume 14, Laws of Delaware, not inconsistent with this act, shall remain in force.

Inconsistent acts repealed.

SECTION 8. All acts or parts of acts inconsistent with this act are hereby repealed.

Passed at Dover, April 4, 1893.

OF CITIES AND TOWNS.

CHAPTER 760.

OF ST. GEORGES.

AN ACT to amend an act entitled "An act to amend Chapter 460, Volume 15, Laws of Delaware, entitled 'An act to reincorporate the Town of St. Georges, and for other purposes.'"

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the legislature concurring herein):

SECTION 1. That the said act be and the same is hereby amended by striking out the word "May," as it occurs in the eighth and twenty-third lines thereof, and inserting in lieu thereof the word "April." Time of holding election changed.

Passed at Dover, April 12, 1893.

CHAPTER 761.

OF MILTON.

AN ACT to amend an act entitled "An act to reincorporate the Town of Milton," passed at Dover, March 3, 1881.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Section 6 of "An act to reincorporate the town of Milton," passed at Dover, March 3, 1881, be and the same is hereby amended by adding thereto the following: Broadkilm river bridge to be maintained by Levy Court of Sussex County.
Provided that the bridge which spans the Broadkilm river, within the limits of said town, shall remain under the supervision of the Levy Court of Sussex county, and shall be maintained and kept in repair by said levy court.

Passed at Dover, April 18, 1893.

OF CITIES AND TOWNS.

CHAPTER 762.

OF MILTON.

AN ACT to amend an act entitled "An act to reincorporate the Town of Milton," passed at Dover, March 3, 1881.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the legislature concurring therein):

SECTION 1. That Section 22 of said act be amended by inserting at the end thereof the following, to wit:

Council
authorized
to exempt
from taxa-
tion for ten
years real
estate oc-
cupied by
manufactory

Also ex-
empted from
school taxes.

To what ex-
emption
shall apply.

"*Provided* that it shall and may be lawful for the town council to exempt from assessment and taxation for the period of ten years, for municipal or town purposes, the real estate of any person or persons, or body corporate, within the limits of said town, upon which any manufactory or other industrial improvement for the employment of labor is now or may after the passage of this act be erected. *And provided further* that such real estate as before described and having been exempt by said town council shall be exempt from assessment and taxation for school purposes for said period of ten years.

The said exemption to apply to the buildings, fixtures, machinery, or attachment on any such real estate, and any adjacent land, that may be necessary to the operation of any such manufactory or other industrial improvement for the employment of labor.

Passed at Dover, April 21, 1893.

OF CITIES AND TOWNS.

CHAPTER 763.

OF CLAYTON.

AN ACT to amend an act entitled "An act to incorporate the Town of Clayton," Chapter 169, Volume 18, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch concurring therein):

SECTION 1. That the act entitled "An act to incorporate the town of Clayton" be and the same is hereby amended by striking out of line five of Section 3 thereof the words "at the school house" and inserting in lieu thereof the words "at a place designated by the incumbent commissioners." Elections;
where held.

SECTION 2. Amend Section 2 of the said act by inserting after the word "adjacent," in line forty-eight thereof, the following: "And the costs of such repairs or regulation* and the expense thus incurred shall be a lien upon the property adjacent to which such alterations, repairs or improvements were made, and such lien shall have priority against any lien, incumbrance or conveyance made or suffered by the owner or owners of such property after the date of the completion of such repairs, alterations or improvements as aforesaid." Costs of
streets and
repairs a
lien on ad-
jacent prop-
erty.

Priority of
lien.

Further amend the said act by adding thereto as additional sections the following:

"SECTION [13.] The town commissioners of the town of Clayton shall have power, upon written application or petition of fifteen or more resident freeholders of the town, to locate, lay out, establish and open any new road or roads, street or streets, lane or lanes, alley or alleys, or to widen any street or streets, lane or lanes, alley or alleys, or to widen any county road within the corporate limits of the said town, street or streets, lane or lanes, alley or alleys heretofore established and opened, or hereafter to be established and opened, or to vacate and close the same or to reopen any road, street, or streets, lane or lanes, alley or alleys now closed or which may hereafter be closed, allowing to the owner or owners of all the lands respectively through or over or in front of Commis-
sioners au-
thorized to
lay out
streets,
lanes, alleys,
etc; and
also to
widen or to
vacate the
same.

*So enrolled.

OF CITIES AND TOWNS.

Compensation for lands taken.

which such street or streets, road or roads, lane or lanes, alley or alleys may pass, such compensation for land taken as damages incurred by reason of such opening, widening or re-opening or vacating and closing as the said town commissioners shall deem just and reasonable, taking into consideration its circumstances of benefit as well as of injury which will accrue to each owner, which compensation shall be paid by the town treasurer out of any moneys of the town in his possession, upon warrants prepared and signed as required in other cases by the said act incorporating the town of Clayton.

By whom paid.

Proceedings on appeal by land owner.

If any owner or owners of such lands be dissatisfied with the amount of compensation or damages allowed by the town commissioners he shall proceed as in such cases provided by Chapter 646, Volume 18, Laws of Delaware.

Past acts of commissioners declared valid.

"SECTION [14.] That all acts done and performed thirty days prior to the passage of this act, [by] the town commissioners of the town of Clayton, relative to altering, changing the course of, or vacating any public road within the corporate limits of the said town, are by this act declared valid."

What act not affected by this act.

SECTION 3. Nothing in this act shall be construed to affect, alter, amend or change in any way the act entitled "An act to amend the act entitled 'An act to incorporate the town of Clayton,' " passed at Dover, April 15, 1887, Chapter 644, Volume 18, Laws of Delaware.

Passed at Dover, April 19, 1893.

OF CITIES AND TOWNS.

CHAPTER 764.

OF SMYRNA.

AN ACT to authorize the Town Commissioners of the Town of Smyrna to construct Drains and Sewers for draining said town, and also to establish an Electric Plant for lighting the same, and to provide the necessary funds therefor.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the legislature concurring therein), as follows, viz:

SECTION 1. That the commissioners of the town of Smyrna be and they are hereby authorized and empowered to borrow, on the credit of said town, a sum of money not exceeding twenty-five thousand dollars (\$25,000), fifteen thousand dollars of which, or so much of said fifteen thousand dollars as may be necessary to be applied and expended by said town commissioners in the construction, making, laying and purchasing all sewers, drains and pipes that may be necessary and proper effectually to drain the said town of Smyrna and to carry off all the refuse water; and the residue of said twenty-five thousand dollars, or so much of said residue [as] may be necessary, to be applied and expended by said town commissioners in establishing an electric plant suitable and proper to light the said town of Smyrna and to furnish light for private use to the citizens thereof. That the said commissioners of the town of Smyrna, for the purpose of carrying into effect the provisions of this act, shall have full power and authority to issue bonds of the town of Smyrna to an amount not exceeding in the aggregate the sum of twenty-five thousand dollars, and of such denominations as they may deem proper, which said bonds shall be dated on the first day of July of the year in which they may be issued and numbered consecutively, commencing with number one, and shall bear interest from and after the date at a rate of interest not exceeding six per centum per annum, [payable] on the first days of January and July in each year while they remain unpaid at the Fruit Growers' National Bank of Smyrna, on presentation of the coupons representing said semi-annual interest, each semi-annual installment of interest being represented by coupons attached to said bonds, and the principal

Commissioners authorized to borrow \$25,000.

Application of fund.

Commissioners authorized to issue bonds.

Denominations.

Date of bonds.
Numbers.
Interest rate.

Where payable.

OF CITIES AND TOWNS.

Principal: of said bonds shall be payable at the Fruit Growers' National Bank of Smyrna at the expiration of twenty years from the date of said bonds, but may be redeemed at the option of the said commissioners of the town of Smyrna at any time after the expiration of five years from the date of said bonds; *provided however* that if the said commissioners of the town of Smyrna shall at any time after the expiration of five years from the date of said bonds elect to redeem any of the said bonds, such redemption shall be made either on the first days of January or July, and in pursuance of notice signed by the president of the said commissioners of the town of Smyrna, and the treasurer of said town, published for the space of thirty days in one newspaper published in the city of Wilmington, one published in the town of Smyrna, and one in Georgetown in this State; such notice shall indicate the bonds called, and in making the calls the said commissioners of the town of Smyrna shall call the bonds according to their number, beginning with the lowest number, and interest on all bonds so called shall cease from the date named for their redemption.

Preparation of bonds SECTION 2. That the said commissioners of the town of Smyrna shall direct and effect the preparation, printing and sale of the bonds authorized by this act at such time or times and on such terms as they may deem expedient, but that all the money, the proceeds of such sale, shall be applied to carrying into effect the provisions of this act. The form for said bonds shall be prescribed by said commissioners of the town of Smyrna, which shall be signed by the president of the said commissioners, and the treasurer of said town, and sealed with the corporate seal of said corporation, and shall be exempt from municipal taxation.

Cancellation of bonds As the said coupons and said bonds are paid the same shall be cancelled in such manner as the said commissioners shall direct.

Application of revenues from sewers, pipes, etc. and also of revenues from electric light plant. SECTION 3. That the said commissioners of the town of Smyrna be and they are hereby directed and required to apply all the revenues that may be derived from the use by the citizens of the said town of Smyrna of the sewers, drains and pipes authorized by this act to be constructed, made and laid for effectually draining said town and carrying off the refuse waters thereof, and also all the revenues that may be derived from the use by the citizens of said town of Smyrna of the light generated or furnished by the electric plant au-

OF CITIES AND TOWNS.

thorized by this act to be established for the lighting of said town of Smyrna, to the keeping in a proper condition the sewers, drains and pipes provided for by this act, and also to the keeping in a proper condition and operating said electric plant, and shall apply the surplus, if any remains, to the payment of the interest accruing on the bonds issued in accordance with the provisions of this act; and if, after the payment of said interest, there should remain a surplus from the revenues aforesaid, the said surplus shall be used for redemption of said bonds in the manner provided for by this act. And the said commissioners of the town of Smyrna are hereby authorized and required to levy upon all assessable real estate in the town of Smyrna annually a special tax sufficient to pay all the interest accruing on said bonds and all the expenses of properly keeping open and in good order and condition the sewers, drains and pipes authorized by this act to be constructed, made and laid; and also in maintaining in good order and condition and in operating the electric plant authorized by this act, which the revenues derived therefrom may be inadequate to meet. And the said commissioners of the town of Smyrna are also authorized and empowered to levy a further special tax upon said real estate in said town, annually, for the purpose of establishing a sinking fund adequate to the redemption, at or before maturity, of all the bonds which may be issued under the provisions of this act; *provided* that the amount to be raised for the purpose of establishing a sinking fund for the redemption of said bonds shall not exceed in any one year the sum of twelve hundred and fifty dollars.

Surplus;
how applied

Further surplus;
how applied.

Assessment
of special
tax
Purposes of.

Further
special tax.
Purpose of.

Amount for
sinking fund
limited to
\$1,250.

SECTION 4. That the commissioners of the said town of Smyrna be and they are hereby authorized and empowered to provide for the effectual draining of said town, and for carrying off the refuse water thereof, and for this purpose they are hereby fully authorized and empowered to construct, make and lay all sewers, drains and pipes necessary and proper, and to enter upon and use any of the roads, streets, lanes and alleys in the said town of Smyrna or adjacent thereto, and to make all necessary excavations therein, and to lay any pipes or conduits therein; and also to enter upon any lands of any person or persons whomsoever, and to make necessary excavations therein for the purpose of laying pipes or conduits or making drains for effectually draining and carrying off refuse water from said town of Smyrna.

Commissioners authorized to construct drainage.

May enter lands of persons to make excavations and to lay pipes

OF CITIES AND TOWNS.

Commissioners authorized to construct and maintain electric light plant.

May enter lands of persons to lay pipes, etc.

May contract for lands.

Proceedings for condemnation of lands

And the said commissioners of the said town of Smyrna are hereby further authorized and empowered to do all things necessary for the location, erection, construction, equipment and operating an electric plant to light the said town of Smyrna and furnish light to the citizens thereof for private use, and to provide for the care and maintenance of the same, and to purchase engines, boilers, dynamos, poles and wires and all such instruments and machines as may be necessary for the purpose of establishing an electric plant to light the streets of said town of Smyrna, and for furnishing the citizens thereof with electric illumination for private use, and to effect this object shall have power to lay pipes and erect poles, and to erect or lay wires above, under, on, in or long any of the roads, streets, lanes or alleys of said town or adjacent thereto. And whenever it may be necessary for the commissioners of the said town of Smyrna to enter upon, use, take, or excavate the lands of any person or persons whomsoever either for the purpose of draining said town of Smyrna and for carrying away the refuse water thereof, or for constructing locating, equipping and operating the electric plant provided for by this act, or for the purpose of carrying into effect the objects of this act, it shall be lawful for the said commissioners to contract and agree with the owner or owners for the purchase of any land or lands which may be necessary for the purpose of carrying into effect the objects of this act, if the owner or owners of said land, or any of them, refuse to permit the said commissioners of the town of Smyrna to enter upon and occupy said land or lands for the purposes aforesaid, and if such owner or owners be unable or unwilling to contract and agree with the said commissioners upon the compensation to be made for any real or supposed injury that may be done to such lands by such entry and occupation, then it shall be lawful for the said commissioners of the town of Smyrna to take such proceedings for the use and occupation of said lands for the purposes aforesaid and for the ascertainment of the damages which may accrue to such owner or owners for the use and occupation of such lands for the purposes aforesaid, as are provided by Section 1 of the act entitled "An act to allow the commissioners of the town of Smyrna to issue bonds for certain purposes," passed at Dover, March 16, 1885, and being Chapter 564, Volume 17, Laws of Delaware, for the taking and occupying of lands for the purposes therein mentioned, where the owner or owners of said lands refuse to permit the said commissioners of the town of Smyrna to enter upon and occupy

OF CITIES AND TOWNS.

the same, together with the right of appeal as therein provided for. And when the damages shall have been fixed and ascertained, according to the mode and in the manner prescribed in said section, the said commissioners of the town of Smyrna shall have the option to pay the damages assessed and to enter upon, use and occupy the said lands and premises for the purposes mentioned in this act, or upon the payment of costs only, may abandon their intention of taking, and occupying said land or lands for the purposes aforesaid. And all the provisions of Section one of said act in relation to the condemnation of lands for the uses and purposes in said act mentioned, in case the owner or owners of such lands should be unable or unwilling to agree with said commissioners for the use and occupation thereof, shall apply whenever any proceedings may be necessary under this act for the use and occupation by the said commissioners of any lands necessary or proper to carry into effect the objects and purposes of this act.

Adjustment of damages.

Commissioners given option of taking lands or of paying costs upon abandoning intention.

Provisions applying to taking of lands necessary under this act.

SECTION 5. That if any person or persons shall willfully or through negligence injure or do any damage to any of said sewers, drains, pipes or conduits which may be constructed or laid by the town commissioners of the town of Smyrna under the provisions of this act; or shall willfully or through negligence stop up or obstruct the free passage of water to, through or from the same; or shall willfully or through negligence injure or do any damage to the machinery, apparatus, appliances, poles, wires or lamps of the electric plant authorized by this act, he, she, or they shall for every offense forfeit and pay to the said commissioners of the town of Smyrna a fine not exceeding one hundred dollars, to be recovered by said commissioners of the town of Smyrna before the alderman of said town, or any justice of the peace residing in Kent county.

Damages for injury to property provided under this act.

Fine.

How recoverable.

SECTION 6. That the said commissioners of the town of Smyrna are hereby authorized and empowered to adopt all needful and proper ordinances, rules and regulations in regard to the tapping and use by any citizens of said town of Smyrna of any of said sewers, drains, pipes, or conduits authorized by this act, and touching the management, regulation and protection thereof, and also in regard to the use for private or public purposes by any of the citizens of the said town of Smyrna of the light generated or furnished by said electric plant, and touching the management, regulation and

Commissioners authorized to adopt ordinances governing the use of water and of lights

OF CITIES AND TOWNS.

Ordinances: protection of said electric plant, and may enforce obedience to all such ordinances, rules and regulations by proper fines and penalties.

Duty of commissioners to call two special elections. **SECTION 7.** That before the provisions of this act shall take effect, it shall be the duty of the said commissioners of said town of Smyrna to call and provide for two special elections, to be held on different days, at which said elections each owner of real estate within the town of Smyrna, being a resident thereof, shall have a right to cast one vote for every dollar and every fractional part of a dollar of town tax which is or may be assessed against his or her real estate at the time of holding such elections, and any female, having the right to vote, may vote personally or by proxy as she may elect.

Manner of voting. At one of said elections the votes shall be "for drainage" or "against drainage;" and at the other of said elections the vote shall be "for electric light plant" or "against electric light plant."

Notice of elections. Notice of each of such elections shall be given by the secretary of said board of commissioners by public notices posted in at least ten public places in said town of Smyrna at least ten days before the time of holding such elections, and which said notices shall specify the purpose of each of said elections, that is, whether to determine for or against drainage, or for or against electric light plant. If at one of said elections a majority of all the votes cast shall be "for drainage," and if at the other of said elections a majority of all the votes cast shall be "for electric light plant," then all the provisions of this act shall go into full effect and operation. But if at one of said elections a majority of all the votes cast shall be "for drainage," and if at the other of said elections there shall be a tie vote, or a majority of all the votes cast shall be "against electric light plant," then the said commissioners of the said town of Smyrna shall be authorized to borrow a sum of money not exceeding fifteen thousand dollars, to be secured by bonds as hereinbefore provided, and which said sum of fifteen thousand dollars, or so much thereof as may be necessary, shall be expended only for effectually draining said town of Smyrna and carrying away the refuse waters thereof, and all the provisions of this act in relation to the drainage of the said town of Smyrna shall take effect and go into operation, and all the provisions of this act in relation to the establishment of an electric plant

Where to be posted.

Contents of notice.

When act shall take effect

Amount to be borrowed determined by result of election.

How funds shall be expended

What provisions in-operative

OF CITIES AND TOWNS.

in the said town for lighting the same shall become inoperative and cease and determine. But if at one of said elections there shall be a tie vote, or a majority of the votes cast be "against drainage," and at the other of said elections a majority of the votes cast be "for electric light plant," then the said commissioners of the said town of Smyrna shall be authorized to borrow a sum of money not exceeding ten thousand dollars, to be secured by bonds as hereinbefore provided, and which said sum of ten thousand dollars, or so much thereof as may be necessary, shall be expended only for establishing an electric light plant in the town of Smyrna, and all the provisions of this act in relation to the establishment of an electric light plant in said town of Smyrna shall take effect and go into operation, and all the provisions of this act in relation to the drainage of said town of Smyrna shall become inoperative and cease and determine. And if at one of said elections there shall be a tie vote, or a majority of the votes cast be "against drainage," and if at the other of said elections there shall be a tie vote, or a majority of all the votes cast be "against electric light plant," then all the provisions of this act shall become inoperative and cease and determine.

Tie vote.

Result of.

When "ten" thousand dollars may be borrowed.

How to be expended.

What provisions to take effect.

What provisions inoperative.

When all provisions of act shall become inoperative.

SECTION 8. That the faith of the said town of Smyrna is hereby pledged for the payment of any bonds that may be issued under the provisions of this act.

Faith of town pledged for payment of bonds.

SECTION 9. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 24, 1893.

OF CITIES AND TOWNS.

CHAPTER 765.

OF GEORGETOWN.

AN ACT to reincorporate the Town of Georgetown.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch of the Legislature concurring):

Limits and boundaries of town

SECTION 1. That the limits and bounds of Georgetown shall extend to the distance of three-quarters of a mile in every direction from the centre of the public square of the said town. *Provided* that all lots, pieces and parcels of land included within the limits of the town as herein set forth, exceeding one acre in quantity, shall be exempt from taxation for the uses and purposes of the said town of Georgetown, but all such lots, pieces and parcels of land exceeding one acre aforesaid, having a dwelling thereon, shall be taxed as and for one town lot.

Proviso.

Lots of one acre exempt from taxation.

Lots where dwelling is erected; how to be taxed

Proviso

Lawful to exempt for ten years real estate upon which manufactory is erected.

And further provided, That it shall and may be lawful for the commissioners of Georgetown, aforesaid, to exempt from assessment and taxation, for the period of ten years, for municipal or town purposes, the real estate of any person or persons or body corporate, within the limits of said town, upon which any manufactory or other industrial improvement for the employment of labor is now or may after the passage of this act be erected.

Proviso.

School tax exemption

And further provided, That such real estate as before described, and having been exempt by said commissioners, shall be exempt from assessment and taxation for school purposes for said period of ten years.

To what exemption shall apply.

Amount of exemption to be determined by commissioners

The said exemption to apply to all persons or corporations doing an actual annual business of ten thousand dollars, to the buildings, fixtures, machinery or attachments thereto belonging, and any adjacent land that may be necessary to their operation. And in the event of any question as to the amount of property so to be exempted from assessment and taxation under this act it shall be determined by the commissioners of Georgetown.

Plot and survey

The commissioners of Georgetown may, at any time hereafter, cause a survey and plot to be made of the said town,

OF CITIES AND TOWNS.

and the said plot, when so made, and approved by the said commissioners, shall be recorded in the Recorder's Office in and for Sussex county, and shall be evidence in all courts of law and equity in the State.

Where to be recorded.

Shall be evidence.

SECTION 2. That an election shall be held in Georgetown, Sussex county, on the first Saturday of March next, at the place where the general elections are now held, from one o'clock till three in the afternoon, and thereafter on the first Saturday of every March at such time and place as shall be determined and fixed by the town commissioners, due notice whereof shall be given the said commissioners at least five days before said subsequent election, for an alderman, five commissioners, an assessor and treasurer. The said alderman and commissioners and the assessor and treasurer shall be residents of and freeholders in said town. The votes shall be received by a State's justice of the peace in said town, and the result of the balloting for said alderman, commissioners, assessor and treasurer shall be ascertained by himself and two citizens of said town selected by him to assist in holding said election. At such election every male citizen of said town who shall have attained the age of twenty-one years, and is a taxable of said town, shall have the right to vote. The justice of the peace and the two citizens aforesaid shall be judges of the election and shall decide on the legality of the votes offered. Immediately after the election is closed the votes shall be read and counted, and the persons having the highest number of votes shall be declared duly elected, and shall continue in office one year or until their successors are duly elected. In case of a tie of persons voted for under this act the alderman shall give the casting vote.

Election

Place.

Time.

Annually thereafter in March.

Notice of election.

Officers to be elected.

Qualifications.

Votes; by whom received.

Vote; by whom ascertained.

Who may vote.

Judges of election.

Term of office one year.

Tie vote; by whom decided.

Immediately after such election, the person or persons under whose superintendence the election is held shall enter, in a book to be provided for that purpose, a minute of such election, containing the names of the persons chosen alderman, commissioners, and assessor, and treasurer, and subscribe the same, and shall give to the alderman, commissioner, assessor, and treasurer elect certificates of their election. The book containing such minutes shall be preserved by the commissioners and shall be evidence.

Minutes of election.

Contents of.

Certificates of election.

Minute book shall be evidence.

SECTION 3. That the commissioners of Georgetown, to be elected as hereinbefore prescribed, and their successors in office, shall be and they are hereby created a body politic and corporate in law and equity, and the said commissioners

Commissioners to be a body politic.

OF CITIES AND TOWNS.

of Georgetown, and their successors, shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of judicature whatsoever in this State by the corporate name of the "Commissioners of Georgetown;" and may have and use a common seal with device or devices as they shall think proper, with power to alter or change the same as may be deemed expedient, to purchase, take, hold, receive and enjoy any messuage, land, tenements or hereditaments, in fee simple or otherwise, and also goods and chattels, rights and credits, and to alien, grant, devise, sell and dispose of the same in such manner and form as they may deem expedient; *provided, nevertheless*, that there is hereby reserved to the legislature the power and authority to repeal this act, or any part thereof, or any other law which may hereafter be enacted respecting the said town.

SECTION 4. That the person elected as alderman aforesaid of said town shall have, within the limits of said town, all the powers, authority, jurisdiction and cognizance of a justice of the peace of and over all breaches of the peace and other offenses within said town, to arrest and hold to bail, or fine and imprison all offenders, and of and over all fines, forfeitures and penalties which may be prescribed by any law of the State, or by ordinances of the town commissioners, regularly passed and established for the government of the said town; and of and over all neglects, omissions or defaults of the town constable or bailiff, assessor, or treasurer, or any other person or officer whose duty it may be to collect, receive, pay over or account for any money belonging to said town, or to execute or obey any law or ordinance thereof; *provided* that he shall not impose any fine exceeding ten dollars, nor have jurisdiction in any civil matter other than to carry out the provisions of this act, or the rules and regulations adopted for the government of said town by the persons authorized to adopt the same under this act. The fees of said alderman shall be the same as are allowed justices of the peace for similar services under the law of this State. It shall be the duty of the alderman to keep a book of record or docket, to be called the "Alderman's Docket of Georgetown," to be provided by the commissioners aforesaid, in which all his official acts shall be entered; and he shall, upon expiration of his term of office, deliver over to his successor all the books, papers, etc., pertaining to his office within ten days after the election and qualification of his successor, and

Corporate title.

Corporate powers.

Proviso.

Jurisdiction and powers of alderman.

Proviso.

Limit of authority of alderman.

Fees.

Duty of alderman to keep a record book.

Entry of official acts.

To be delivered to successor in office.

OF CITIES AND TOWNS.

in default of so doing he shall forfeit and pay, for the use of the said town, the sum of twenty dollars, to be recovered before the succeeding alderman or any justice of the peace residing in said town. If any vacancy shall occur in the office of alderman, commissioner, assessor, or treasurer, of the town of Georgetown, by death, resignation, removal from office, or otherwise, such vacancy or vacancies may be filled by the commissioners aforesaid, at any meeting thereafter, for the residue of the term.

Penalty for default.

Vacancies during term; by whom filled.

SECTION 5. That the alderman, commissioners, assessor and treasurer, aforesaid so elected, shall, before one of the justices of the peace in the said town be duly qualified by oath or affirmation to perform the duties of their offices respectively to the best of their knowledge respectively and without favor or partiality, and after being so qualified the said commissioners, at their first meeting after each election, shall choose a president and a secretary from their numbers, who shall continue during their term of office; and if, by death or otherwise, the place of president or secretary shall become vacant, the commissioners, or a majority of them, at their next meeting thereafter, are hereby authorized to fill said vacancy out of their own numbers as aforesaid. All the commissioners shall act, but the decision of a majority shall govern. The officers so appointed, after being qualified as aforesaid shall have all power in like manner and be subject to all penalties the same as those duly elected to said office or offices.

Oath of officers.

Organization of commissioners. Term.

Vacancies in organization; how filled

Acts of majority shall govern.

That the president of the commissioners of Georgetown shall preside at all of its meetings, appoint all committees, receive complaints of nuisance, and other complaints of citizens of violation of law and ordinances and to present the same to the commissioners aforesaid at their first meeting for their action. And such infraction or violation of the law or ordinances as require immediate action to cause the same to be proceeded on before the alderman.

Duties of president.

Violations of ordinances; how proceeded on.

It shall be the duty of the secretary to record all the proceedings of the said commissioners and keep a correct journal of the same in a book or books provided for the purpose, and also the papers relative to the said town, all of which are to be carefully preserved and delivered to his successor in office. He shall issue and sign all licenses for every exhibition within the town of Georgetown, which by Section 1, Chapter 51 of the Revised Code of 1874, a license therefor is

Duties of secretary.

OF CITIES AND TOWNS.

required; he shall sign all warrants on the treasurer for the payment of any money, and shall perform such other duties as may be prescribed by any ordinance or ordinances of the commissioners aforesaid.

Duties of
commis-
sioners.

SECTION 6. That the commissioners for the time being, or a majority of them, shall have the superintendence and oversight of all roads and streets, lanes, alleys, squares and gutters in said town to be repaired, supported, regulated, removed and amended in any manner they may deem most proper for the convenience and interest of the citizens of said town, and shall cause a fund, not to exceed fifteen hundred dollars in any one year, to be raised by way of tax upon persons authorized to vote for commissioners by this act, and upon all lands and tenements and interest in said lands and tenements within the limits of said town, to discharge the expenses of repairing the said streets, lanes, alleys, bridges, squares and gutters or for any other purpose that will contribute to the safety, convenience and prosperity of said town.

Commis-
sioners shall
raise \$1,500
by taxation
to repair
streets, etc.

Power of
commis-
sioners to
lay out
streets.

That the commissioners for the time being, or a majority of them, shall have the power, upon the application of five or more citizens of said town by petition to them for that purpose, to locate, lay out and open any new street or streets or reopen old street or streets, which five or more citizens of said town may desire to be located and laid out and opened or reopened, allowing to the persons respectively through or over whose grounds such new street or streets or old street or streets may run such compensation or damages therefor as they shall deem just and reasonable under all circumstances, which compensation, if any be allowed, shall be paid by the treasurer of the town out of the moneys of said town on warrant drawn on him by the commissioners aforesaid.

Compensa-
tion to land
owners.

How paid.

Levy Court
of Sussex
county to
appropriate
\$400 for re-
pairing
streets

That the Levy Court of Sussex county be and they are hereby directed, in making the appropriation of the sum of the road tax to be paid to the overseers of roads annually, to make an order for the payment to the commissioners of Georgetown of the sum of four hundred and fifty dollars, to be by them expended in repairing and maintaining in proper order the roads, streets, lanes, alleys, bridges and squares within the limits of said town; and the said commissioners shall have the sole supervision of said roads, streets, lanes, alleys, bridges and squares, *provided* that the said levy court shall not make the appropriation of said sum until the com-

Commis-
sioners to
have sole
supervision
of streets.

OF CITIES AND TOWNS.

missioners of Georgetown shall have certified that the said sum has been expended during the preceding year for the purposes aforesaid.

Certificate of commissioners as to expenditures.

SECTION 7. That whenever the commissioners shall have proceeded to locate and lay out any new street or reopen old street, and shall have fixed the compensation therefor, it shall be their duty, immediately after the survey and location of said street, or reopening old street, to notify, in writing, the owner or owners of the real estate through or over which such new or old street may run of their determination to open the same, and to furnish a general description of the location thereof, and also the amount of such damages or compensation allowed to each, and if such owner be not a resident within the said town to notify the holder of said real estate, but if there be no holder or tenant resident in said town the said notice may be affixed to any part of the premises. If any owner be dissatisfied with the determination to lay out and open the said street, or with the amount of the compensation or damage, he may, within ten days after receiving notice from the commissioners as aforesaid, appeal from the said determination or assessment, or both, by serving written notice to that effect on the said commissioners or any one of them. In order to prosecute said appeal such owner or owners shall, within ten days after the expiration of the ten days allowed for appeals, apply to either justice of the peace residing within said town, who shall, within three days thereafter, and upon notice to the said commissioners or any one of them, select and write down on a list the names of twenty-one judicious and impartial freeholders, nine of whom shall be freeholders of Georgetown hundred, owning no real estate in said town, and not residing within its limits, and the remaining twelve shall be freeholders of said town, owning real estate therein, and residing within its limits. The said commissioners shall, upon receiving said notice from the justice, immediately notify all persons owning real estate on the said street and residing in the said town, who have notified them of their intention to appeal, of the time and place when and where the said names shall be selected, and at the time and place mentioned in the notice of the justice, the said appellants, or as many of them as choose, and the said commissioners shall attend.

Notice to land owners when street is laid out.

Damages.

Service of notice to non resident

Right of owner to appeal.

Notice of appeal.

Proceedings on appeal.

Notice to residents.

Appeal; where held.

The appellants, their agent or attorney, shall first strike out one of said names, and the commissioners, their agent or

OF CITIES AND TOWNS.

- Freeholders to try appeal, how chosen. attorney, shall strike out another, until each shall have struck out seven; such striking shall be so confined and regulated as to leave seven remaining freeholders, located as follows, to wit: four resident in said town and three residing out of said town, who shall constitute the freeholders who shall determine concerning the necessity of said street and assess the damages of all owners of real estate through or over whose ground the said street shall run who shall have notified the commissioners of their intention to appeal, and their award and assessment shall be final, and a copy thereof shall be communicated to all parties, appellants and commissioners. In case either side, commissioners or appellants, be not represented before the justice, or shall refuse to strike, the justice shall strike for the party so absent, neglecting or refusing. Any party appellant or commissioners may, within ten days after the appointment of said freeholders, and upon five days notice to the other parties resident in said town, or in case of non-residents notice to the holders of any real estate, call out the freeholders aforesaid, who shall thereupon proceed, upon oath or affirmation, to inquire of the necessity of such street, and in case they deem such street to be necessary, to assess the damages of the several owners. Their award shall be made within twenty days from the time of notifying them to meet. If any freeholder thus appointed and notified shall refuse to serve he shall forfeit the sum of twenty dollars, to be recovered in an action of debt before the alderman or any justice of the peace of Sussex county in the name of the commissioners of Georgetown for the use of said town. The said justice of the peace shall have the power to fill any vacancy in the commission. If in case the award of the freeholders shall be against the necessity of any such street, then no petition for any such new street so condemned shall be entertained by the commissioners then acting during the term for which they were elected.
- Assessment of damages.
- Award to be final.
- Justice to act for party refusing.
- Freeholders to proceed under oath.
- Award, when to be made.
- Penalty for freeholder's refusal to serve.
- How recoverable.
- Justice may fill vacancy.
- Action of commissioners, on award.
- Acts of majority of freeholders valid.
- When costs of appeal to be borne by town.
- When costs shall be borne by appellant.
- SECTION 8. That if on any such appeal the award shall be against the necessity of a street or the freeholders shall increase the damages of any appellant, then the costs of the appeal shall be borne by the town.
- But if the freeholders shall affirm the necessity of the street, and shall not increase the damages of any appellant, then the costs shall be paid by the appellants equally. That

OF CITIES AND TOWNS.

the damage which may be assessed upon the occasion of opening any new street shall be paid out of the funds of the town, or duly tendered, before the property of any person, in whose favor the damages are assessed, shall be appropriated for the opening of any such streets, and in case of any such owner or owners in whose favor any such damages are assessed shall be a minor, non-resident, or refuse to receive or be incapable for any cause of receiving the same, such damages may be deposited in the Farmers' Bank of the State of Delaware at Georgetown, or any other banking institution which may at the time exist in said town, to the credit of such person or persons and subject to his or their order, and such deposit shall operate as payment. The fees of the freeholders shall be one dollar per day. After the damages shall be fixed and ascertained by the freeholders, the commissioners aforesaid shall have the option to pay the damages assessed as aforesaid and to proceed with the said improvements, or, upon payment of the cost only, may abandon the proposed improvements.

Damages;
when and
how to be
paid.

Damages
due minor;
how paid.

Fees of
freeholders.

Option of
commis-
sioners to
pay dama-
ges or to
abandon im-
provements.

SECTION 9. That the said commissioners shall have authority to make such regulations and ordinances for the government of the town as they shall deem proper and necessary, and they are hereby authorized and required to provide sanitary measures for the health of the citizens, and to prevent the introduction of infectious or contagious diseases, for which purpose their jurisdiction shall extend at any distance within one mile of the limits of said town, and cause all obstructions and nuisances that may at any time be and exist within the limits of said town, whether in the streets, lanes, alleys or gutters, on the sidewalk, or in any other place within the limits aforesaid, to be removed and abated. The said commissioners, or a majority of them, may proceed, either upon their own view or upon complaint of any other citizen, in writing, stating the character of said nuisance or obstruction and where the same exists.

Powers of
commis-
sioners for
government
of town.

Jurisdiction
as to con-
tagious dis-
eases.

May remove
nuisances.

If the said commissioners, or a majority of them, either upon such information or upon view, shall determine that an obstruction or nuisance exists and ought to be removed, they shall give notice, in writing, to the person causing such obstruction or nuisance, or who is responsible for its existence or continuance, to remove or abate the same, and if such person shall refuse or neglect, for the space of two days after such notice, to remove or abate the said obstruction or

Notice to
person caus-
ing obstruc-
tion or
nuisance.

OF CITIES AND TOWNS.

Penalty for refusal or neglect to remove.

How recoverable.

Further delay: penalty for.

Further powers of commissioners.

nuisance, he shall forfeit and pay the sum of ten dollars with costs, to be recovered by the commissioners of Georgetown, for the use of the town, in the same manner as debts of that amount are recoverable; and for every additional day the same shall remain unremoved and unabated he or she shall forfeit the further sum of ten dollars, to be recovered with costs in the same manner. The commissioners aforesaid may also pass ordinances to protect shade trees planted along any streets, lanes or alleys, or upon any square within the town limits; to ascertain and fix the boundaries of streets, squares, lanes and alleys, or to repair and improve the same, or to alter, extend or widen any street, square, lane or alley, or open or lay out new ones, subject to the provisions in that behalf herein contained; to regulate and fix the ascents and descents of all streets, lanes and alleys, and the drainage thereof; and to direct the paving and graveling of footpaths and prescribe the width thereof; to regulate and provide for the making of gutters and the placing of gutter-stones or plates therein, and for curbing, wherever in their opinion such paving or graveling, making of gutters and the placing of gutter-stones or plates therein, and curbs, may be necessary and proper; to prescribe the extent of steps, porches, cellardoors, and other inlets to lots and buildings.

Commissioners authorized to direct property owners to pave.

SECTION 10. That the commissioners, or a majority of them, be and they are hereby authorized and required, upon the written petition of five or more freeholders, to direct, in writing, the owner or owners of any house or land in Georgetown before or in front of which they may deem proper that a pavement should be made, to curb and lay a pavement, or either, or both, of brick or smooth stones, of such length and width as the said commissioners may specify.

If owner neglect, commissioners may proceed to have paving done.

Presentment of bill for paving done, to whom made

In the event of any owner neglecting to comply with said notice for the space of three months, the said commissioners may proceed to have the same done, and when done, the treasurer of the town shall, as soon as convenient thereafter, present to the owner or owners of such lands a bill, showing the expense of such paving and curbing, or either, or both; if such owner or owners be not resident in the town of Georgetown, such bill may be presented to the occupier or tenant of such land, or, if there be no occupier or tenant resident of said town of Georgetown, such bill may be sent by mail to such owner or owners, directed to him or them at the post-office nearest his or their residence.

OF CITIES AND TOWNS.

If such bill be not paid by the owner or owners of such lands within thirty days after the presentation of the same, as aforesaid, then it shall be the duty of said commissioners to issue a warrant, in the name of the commissioners of Georgetown, under the hand of the president, attested by the secretary of said commissioners, and under the seal of the said corporation, directed to the treasurer of the commissioners of Georgetown, commanding him that of the goods and chattels, lands and tenements of such owner or owners he shall cause to be levied and made the amount of said bill, together with all costs. It shall be the duty of the said treasurer, as soon as convenient after the said warrant shall be delivered to him, and after ten days notice to the owner or owners of such lands, and after posting five or more notices of sale in at least five public places in the town of Georgetown at least ten days before the day of sale, to sell the goods and chattels of said owner or owners at public auction, or so much thereof as may be necessary to pay the amount of said bill, with all the costs. If no goods and chattels of such owner or owners can be found within said town sufficient to satisfy the amount of said bill, with all costs, then it shall be the duty of the said treasurer, after ten days notice to such owner or owners aforesaid, and after posting five or more notices of sale in at least five public places in the town of Georgetown for at least ten days before the day of sale, and after causing such notice of sale to be published twice in one of the newspapers printed in the said town of Georgetown, to sell the lands and tenements of such owner or owners in front of which such paving and curbing, or either, or both, have been done, or so much of said lands and tenements as may be sufficient to satisfy the amount of said bill, with costs, and a deed from the treasurer aforesaid shall convey to the purchaser or purchasers of said lands and tenements as full and complete title, in fee simple or otherwise, as if the same were executed by the owner or owners thereof. The claim for paving and curbing, or either, or both, shall be a lien on the premises in front of which the said work was done, and shall have priority over any lien, incumbrance or conveyance suffered or made by the said owner or owners after the completion of the said improvements.

Procedure
for collection
of bill.

Duty of
treasurer.

Notice to
land owner.

Sale of
chattels.

Notice for
sale of lands.

Sale of lands

Treasurer
may make
deed to pur-
chaser.

Title to
lands sold.

Claim for
paving a
lien

Priority.

From the proceeds of the sale of said goods and chattels, or lands and tenements, sold as aforesaid, it shall be the duty of the treasurer as aforesaid to pay all costs arising from the sale to the parties entitled thereto, and to retain for the use

Proceeds of
sale: how to
be applied.

OF CITIES AND TOWNS.

Residue;
where to be
deposited.

of the said town the amount of said bill as aforesaid, and the residue thereof, if any, shall be deposited in the Farmers' Bank of the State of Delaware, at Georgetown, to the credit of the said owner or owners.

Fees of
treasurer
for making
sale and for
incidental
expenses.

The treasurer aforesaid shall be entitled to receive five dollars for every sale of personal property under this section, and ten dollars for every sale of real estate under this section, together with such additional sum as may be reasonable and proper for the keeping, taking care of such personal property, for selling the same, and for advertising, all of which shall be part of the cost to be paid out of the purchase money as aforesaid. Any notice required by this section to one coöwner shall be notice to all, and in case no owner shall reside in the said town, notice served upon the occupier or tenant shall be sufficient, or if there be no owner or occupier or tenant of said premises resident in said town it shall be sufficient to send notice by mail to any owner of said premises, directed to him or her at the post office nearest his or her place of residence; the provisions hereinbefore contained in this section shall apply to any order made by the commissioners of said town in respect to any pavement, sidewalk, or curb heretofore made or done which the said commissioners may deem insufficient or to need repairing.

Effect of
notice.

Notice to
non-resi-
dents.

Expenses
against
dower land
to be paid
by owner of
reversion

Expenses
against
minor's
lands; pay-
ment of.

Repairs to
be kept up
by tenant in
dower.

Further
powers of
commis-
sioners

If any lot or lots, house or houses, on any of the streets of said town of Georgetown shall be held or owned by any widow or widows as and for her dower, such expenses incurred as aforesaid for the lot or lots, house or houses, so held shall be paid by the owner or owners of the reversion in fee simple; and if such owner or owners be minors at the time of such expense being incurred, then to be paid by the guardian or agent acting for such minor or minors out of any money or effects of such minor or minors, and a receipt therefor to such guardian or agent shall be sufficient evidence of such payment and be allowed in his or her guardian or agent's account, and if not paid by the guardian or agent as aforesaid, on the presentation of the bill, the same to remain on interest from the day of presentation and be a lien against such lot and improvements until paid. All subsequent repairs named in this act to be kept up at the expense of the said tenant in dower. The said commissioners of Georgetown, in addition to the provisions of this section hereinbefore contained, shall have power and authority to enforce by ordinance all the requirements of this section by imposing

OF CITIES AND TOWNS.

such fines and penalties as shall, in the judgment of such commissioners, be necessary and proper.

SECTION 11. That the commissioners of Georgetown shall have power and authority to make, establish and publish such ordinances as they may deem beneficial for the good government of the said town at any meeting. There shall be twelve stated meetings in every year of the said commissioners, to wit: On the first Saturday of each and every month. They shall have and are hereby vested with power and authority to prescribe the fines and penalties for violations of any of the provisions of this act, or of the ordinances which they may enact in pursuance thereof, and which are not specially provided for in this act. All such fines and penalties which may be imposed either by this act or the ordinances enacted as aforesaid may be collected before the alderman of said town or any justice of the peace of said town, and in default of payment, said alderman or justice of the peace may commit for any time not exceeding thirty days.

Power of commissioners to establish ordinances. When.
Time of holding regular meeting
Power to impose fines
Collection of fines.
Commitment of offenders.
When and for how long

SECTION 12. That the commissioners of Georgetown shall have power to appoint such number of town constables as shall be deemed necessary as shall constitute the town police, with power to remove any such constables and appoint others if it be deemed necessary.

Commissioners may appoint constables.

SECTION 13. That the commissioners of Georgetown shall cause a statement of their receipts and expenditures to be published once a year in at least one newspaper printed in said town. The said commissioners shall be allowed for their attendance at each of said meetings a sum not exceeding one dollar.

Annual statement to be published
Compensation of commissioners.

SECTION 14. That it shall be the duty of the constable or constables aforesaid to arrest any drunken or disorderly person they may see on the streets of said town, and take such person so arrested before the alderman of said town, who shall proceed forthwith to hear and determine the case, and upon conviction before him he shall sentence such person or persons so convicted to pay a fine not exceeding ten dollars, and may commit the party or parties to prison for a period not exceeding thirty days, or until such fines and costs shall be paid.

Duty of constable to make arrests.
Hearing.
Sentence.

OF CITIES AND TOWNS.

Board of persons committed to jail
 Payment of. And the said commissioners of Georgetown shall pay for the board (and commitment fee) of all persons committed to jail for violation of the charter or by-laws of said town at the same rate as is paid the sheriff of Sussex county by the levy court for the board of prisoners.

When constable shall be guilty of misdemeanor.
 Presentment of to grand jury.
 Fine and imprisonment.
 Forfeiture of office.
 SECTION 15. That if any constable shall neglect or refuse to perform any of the duties required of him by this act he shall be deemed guilty of a misdemeanor, and it shall be the duty of the commissioners aforesaid to present him to the grand jury of Sussex county, and upon conviction thereof by indictment he shall be fined in a sum not less than ten or more than one hundred dollars, and may be imprisoned, in the discretion of the court, for any term not exceeding one year, and upon such conviction he shall *ipso facto* forfeit his office.

Annual assessment.
 Duplicate.
 Contents of.
 Commissioners shall assess real estate of assessor.
 Transcript of duplicate; where to be hung up.
 For how long.
 Appeal.
 Where to be held.
 Notice of appeal.
 Decisions of commissioners final.
 SECTION 16. That the assessor of the town for the time being shall annually, on or before the first day of April, make a true, just and impartial valuation or assessment of all the real estate within said town, except as hereinbefore excepted, and also an assessment of all the white male citizens residing in said town above the age of twenty-one years, as well those owning as those not owning real estate within its limits; and the said assessor shall forthwith, after making such assessment, deliver to the commissioners for the time being a duplicate containing the names of all the persons assessed and the amount of their assessment, distinguishing the real and personal assessments of each. The commissioners shall assess the real estate and person of the assessor. The commissioners shall, between the first and fifteenth days of April, cause a complete and full transcript of said duplicate to be hung up in a public place in one hotel in said town, there to remain for the space of twenty days thereafter for public inspection; and the said commissioners shall, on the Wednesday next after the expiration of the said twenty days, hold a court of appeals, which shall continue open from nine o'clock, a. m., until twelve m., and from two o'clock, p. m., until five o'clock, p. m., of the said day, when they shall hear and determine appeals from said assessment. Notice of the hanging up of the list, and also, at the same time, notice of the time and place of hearing appeals, shall be given by notices posted in at least six public places in said town. The decision of the commissioners upon any appeals shall be final and conclusive. No commis-

OF CITIES AND TOWNS.

sioner shall sit upon his own appeal, but the same shall be heard and determined by the others.

Not to sit on his own appeal.

After the valuation and assessment shall be examined and adjusted by the said commissioners, all taxes shall be levied, assessed and raised on the real estate, and persons thus valued and assessed in just and equal proportions and rates. The assessor, immediately after his election and before entering upon the duties of his office, shall be sworn or affirmed by some judge or justice of the peace, diligently, faithfully and impartially to perform the duties of his office to the best of his ability, knowledge and judgment, and a certificate shall be made by the person administering the oath or affirmation, in the record book of the commissioners containing the certificate of the election of the alderman, commissioners, assessor and treasurer aforesaid.

Adjustment of assessment and rates.

Oath of assessor.

Certificate of oath.

Record of.

SECTION 17. That the commissioners, after having ascertained the sum necessary to be raised on the said town for the purpose of this act, and having apportioned the same on the assessment and valuation aforesaid shall, yearly, in the month of April, or as soon thereafter as convenient, furnish the treasurer of said town with a list containing the names of the taxables, as well the owners of real estate as those not owning real estate, and opposite the names of each the amount of the real estate and his personal assessment, distinguishing between them, and also the tax levied on each person, and also the tax on the whole valuation, and the rate per hundred dollars. The list shall be signed by the commissioners, or a majority of them. The treasurer, immediately after receiving the said list shall proceed to collect the taxes mentioned in the said list, and in collecting the same shall have the same powers as are given by law to the collector of the county rates and levies. The treasurer, before he enters on the duties of his office, shall give bond, with sufficient surety, in the penal sum of two thousand dollars, to the commissioners of Georgetown, conditioned for the faithful discharge of the trust reposed in him and the payment over to his successor in office of all such sums of money as may remain in his hands upon the settlement of his accounts.

Tax list to be furnished treasurer by commissioners.

Contents of.

List to be signed by majority of commissioners.

Duties and powers of treasurer in collecting taxes
Bond of treasurer.
Conditions of bond.

The said treasurer shall pay all orders drawn on him by the said commissioners, or a majority of them, and shall settle his accounts with the said commissioners annually in the month of February, and as often and at such times as they, or a majority of them, shall require. The said assessor and

Payment of money by treasurer.

OF CITIES AND TOWNS.

treasurer shall each receive a reasonable compensation to be determined by the commissioners.

SECTION 18. That it shall be the duty of the said alderman, commissioners and constable, or any justice of the peace residing in said town, to suppress all riotous, turbulent, disorderly or noisy conduct of any person or persons, or disorderly or noisy assemblages or gatherings of any person or persons in the streets, lanes or alleys or squares of said town, or in any house situated therein, after night, or on the Sabbath day, or at any other time or season whatever, and for this purpose it shall be the duty of the said constable, upon the requisition of the alderman, or any one of the said commissioners, and without further warrant, forthwith to seize and arrest any such person or persons so offending and to carry him or them before the said alderman, or any justice of the peace resident in said town, and upon conviction before the said alderman, or justice of the peace, as aforesaid (whose duty it shall be to hear and determine the case), the said alderman or justice of the peace shall sentence any such person so convicted to pay a fine not exceeding ten dollars and commit the party to the public jail of Sussex county for a period not more than thirty days, or until said fine and costs be paid. It shall be the duty of the said alderman or the justice of the peace, upon complaint made before him of any such riotous, turbulent conduct as aforesaid, or noisy assemblages, to issue his warrant to the said constable, commanding him to bring any such person or persons so offending as aforesaid before him for trial. The fees and emoluments of the said town constable shall be the same as a constable of the county for like services, *provided*, that he shall not serve any civil process, except to carry out the provisions of this act.

SECTION 19. That it shall be the duty of the said alderman, commissioners, constable, or justice of the peace, to suppress, extinguish and prevent all bonfires on the public square or in any of the streets, lanes or alleys of the said town, and to suppress or prevent the firing of guns, pistols or the letting off of fireworks, or the making or throwing fireballs within the limits of the said town; and the said commissioners may enact and publish ordinances with reasonable penalties for preventing the same, and punishing persons guilty of their violation. Any fine imposed by any such ordinance may be collected before the alderman or justice of

OF CITIES AND TOWNS.

the peace within the said town, and in default of payment the said alderman or justice of the peace may commit to the public jail of the county for any time not more than five days. All fines and forfeitures realized under the provisions of this act by the alderman or justice of the peace as aforesaid shall be paid over to the treasurer for the use of the said town.

Fines shall be paid to treasurer.

SECTION 20. That the commissioners of Georgetown shall have full power and control over all ditches and gutters in said town, and all ditch companies, whether created under the laws of the State or corporations, shall not and they are hereby prohibited from taxing any individual for any real estate within said corporate limits, but shall tax the corporation of Georgetown only for the privilege of venting the water from said town into said ditch companies' ditches or canals.

Powers of commissioners respecting ditches, gutters, etc.

Corporation only, subject to ditch tax.

SECTION 21. That an act entitled "An act to incorporate the town of Georgetown," passed at Dover, March 2, 1869, and the several acts amending the same which are inconsistent with this act, be and the same are hereby repealed and made null and void, saving and excepting however from the effect of such repeal, and hereby expressly declaring, that all the ordinances of the town of Georgetown heretofore enacted or adopted, and now in force in pursuance of any law of this State, shall continue in full force and effect until repealed, altered or amended by the commissioners of said town; that all the acts and doings of the commissioners of said town or of any officer of said town, lawfully done or performed under the provisions of any law of this State, or of any ordinance of the commissioners of said town, are hereby ratified and confirmed; that all debts, fines or penalties and forfeitures due said town of Georgetown, and all debts due from said town of Georgetown to any person or persons whatsoever, or to any corporations, are hereby declared to be unaffected and unimpaired by this repeal, and all the laws of this State for the collection and enforcement thereof shall continue in full force and effect until the same shall be fully paid and discharged; that all the powers now conferred by law upon the collector for the collection and enforcement of all taxes in said town heretofore assessed and uncollected shall continue in full force and effect until all the said taxes shall be fully collected and paid; that the official bond of the treasurer of said town shall not be affected or impaired by this repeal,

Acts hereby repealed.

Exceptions.

Ordinances shall continue in force until repealed by commissioners.

Prior acts and doings ratified.

Debts and obligations unaffected.

Collection of

Collection of taxes.

Official bond not affected.

OF CITIES AND TOWNS.

treasurer shall each receive a reasonable compensation to be determined by the commissioners.

SECTION 18. That it shall be the duty of the said alderman, commissioners and constable, or any justice of the peace residing in said town, to suppress all riotous, turbulent, disorderly or noisy conduct of any person or persons, or disorderly or noisy assemblages or gatherings of any person or persons in the streets, lanes or alleys or squares of said town, or in any house situated therein, after night, or on the Sabbath day, or at any other time or season whatever, and for this purpose it shall be the duty of the said constable, upon the requisition of the alderman, or any one of the said commissioners, and without further warrant, forthwith to seize and arrest any such person or persons so offending and to carry him or them before the said alderman, or any justice of the peace resident in said town, and upon conviction before the said alderman, or justice of the peace, as aforesaid (whose duty it shall be to hear and determine the case), the said alderman or justice of the peace shall sentence any such person so convicted to pay a fine not exceeding ten dollars and commit the party to the public jail of Sussex county for a period not more than thirty days, or until said fine and costs be paid. It shall be the duty of the said alderman or the justice of the peace, upon complaint made before him of any such riotous, turbulent conduct as aforesaid, or noisy assemblages, to issue his warrant to the said constable, commanding him to bring any such person or persons so offending as aforesaid before him for trial. The fees and emoluments of the said town constable shall be the same as a constable of the county for like services, *provided*, that he shall not serve any civil process, except to carry out the provisions of this act.

SECTION 19. That it shall be the duty of the said alderman, commissioners, constable, or justice of the peace, to suppress, extinguish and prevent all bonfires on the public square or in any of the streets, lanes or alleys of the said town, and to suppress or prevent the firing of guns, pistols or the letting off of fireworks, or the making or throwing fireballs within the limits of the said town; and the said commissioners may enact and publish ordinances with reasonable penalties for preventing the same, and punishing persons guilty of their violation. Any fine imposed by any such ordinance may be collected before the alderman or justice of

OF CITIES AND TOWNS.

the peace within the said town, and in default of payment the said alderman or justice of the peace may commit to the public jail of the county for any time not more than five days. All fines and forfeitures realized under the provisions of this act by the alderman or justice of the peace as aforesaid shall be paid over to the treasurer for the use of the said town.

Fines shall be paid to treasurer.

SECTION 20. That the commissioners of Georgetown shall have full power and control over all ditches and gutters in said town, and all ditch companies, whether created under the laws of the State or corporations, shall not and they are hereby prohibited from taxing any individual for any real estate within said corporate limits, but shall tax the corporation of Georgetown only for the privilege of venting the water from said town into said ditch companies' ditches or canals.

Powers of commissioners respecting ditches, gutters, etc.

Corporation only, subject to ditch tax.

SECTION 21. That an act entitled "An act to incorporate the town of Georgetown," passed at Dover, March 2, 1869, and the several acts amending the same which are inconsistent with this act, be and the same are hereby repealed and made null and void, saving and excepting however from the effect of such repeal, and hereby expressly declaring, that all the ordinances of the town of Georgetown heretofore enacted or adopted, and now in force in pursuance of any law of this State, shall continue in full force and effect until repealed, altered or amended by the commissioners of said town; that all the acts and doings of the commissioners of said town or of any officer of said town, lawfully done or performed under the provisions of any law of this State, or of any ordinance of the commissioners of said town, are hereby ratified and confirmed; that all debts, fines or penalties and forfeitures due said town of Georgetown, and all debts due from said town of Georgetown to any person or persons whatsoever, or to any corporations, are hereby declared to be unaffected and unimpaired by this repeal, and all the laws of this State for the collection and enforcement thereof shall continue in full force and effect until the same shall be fully paid and discharged; that all the powers now conferred by law upon the collector for the collection and enforcement of all taxes in said town heretofore assessed and uncollected shall continue in full force and effect until all the said taxes shall be fully collected and paid; that the official bond of the treasurer of said town shall not be affected or impaired by this repeal,

Acts hereby repealed.

Exceptions.

Ordinances shall continue in force until repealed by commissioners.

Prior acts and doings ratified.

Debts and obligations unaffected.

Collection of

Collection of taxes.

Official bond not affected.

OF CITIES AND TOWNS.

Proceedings
unaffected.

and that he and his sureties therein shall continue liable for any breaches of any of the conditions of the said bond; that all proceedings heretofore commenced for the collection of any penalty, fine, forfeiture or debt due said town, under any law or ordinance, shall not be affected or impaired by this repeal, but the same may be prosecuted to judgment and execution until the same be fully paid, liquidated and discharged.

SECTION 22. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 27, 1893.

CHAPTER 766.

OF FELTON.

AN ACT to amend Chapter 479, Vol. 13, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Section 18,
Chap. 479,
Vol. 13,
amended

Duty of al-
derman and
commission-
ers to hang
yearly state-
ment at post-
office.
Contents of
How veri-
fied.

SECTION 1. That Section 18, Chapter 479, Volume 13, Laws of Delaware, be and the same is hereby amended by inserting after the words "shall require," in the 29th line of said section, the words "the said alderman and commissioners shall in each and every year, at least three days before the holding of the town election for said town, hang up at the post office in said town an itemized statement of the receipts and expenditures for the year of the said town alderman and commissioners, certified to by the secretary of the board."

Passed at Dover, May 1, 1893.

OF CITIES AND TOWNS.

CHAPTER 767.

OF REHOBOTH.

AN ACT to amend Chapter 229, Vol. 19, Laws of Delaware, entitled
 "An act incorporating the Rehoboth Beach Association."

*Be it enacted by the Senate and House of Representatives
 of the State of Delaware in General Assembly met (two-
 thirds of each branch of the legislature concurring therein):*

SECTION 1. That an act entitled "An act incorporating the Rehoboth Beach Association," passed March 19th, 1891, and being Chapter 229 of Volume 19, part 1, pamphlet laws, be and the same is hereby amended by striking out the words "Cape Henlopen City," wherever they occur in said act, and inserting in lieu thereof the word "Rehoboth." Chap. 229,
Vol. 19,
amended.
Change of
name.

SECTION 2. That the said act, entitled "An act incorporating the Rehoboth Beach Association," be and the same is hereby further amended as follows, to wit: In Section 5 of said act, in the second line thereof, strike out the words "commissioner residing in Lewes and Rehoboth hundred" and insert in lieu thereof the word "president"; in said Section 5, in the tenth, nineteenth and twenty-seventh lines thereof, strike out the word "commissioner" and insert in lieu thereof the word "president". Election; by
whom con-
ducted.
Duties of
commission-
er to be per-
formed by
president.

SECTION 3. That the said act, entitled "An act incorporating the Rehoboth Beach Association," be and the same is hereby further amended by adding to Section 9 of said act, at the end thereof, the words following, to wit: "And the said commissioners shall have authority to name and constitute an agent to sell and dispose of said real estate, and such agent may also act as agent for the sale of any lots or lands within the limits of said city of Rehoboth, to whomsoever the same may belong, without having first obtained a license as real estate agent or paying any license fee for acting as such agent." Commis-
sioners au-
thorized to
employ real
estate agent.
Agent not
required to
obtain li-
cense.

At the end of Section 11 of said act add the words follow-
 ing, to wit: "Provided, however, that no tax shall be levied,
 assessed and raised, for the period of ten years from and after
 the passage of this act, upon any buildings or improvements
 that may be hereafter put upon any lot or piece of land Buildings
and im-
provements
within city
exempt from
municipal
tax for ten
years.

OF CITIES AND TOWNS.

within the limits of said city of Rehoboth, but such buildings or improvements are hereby expressly exempted from taxation for municipal purposes."

Transcript
of assess-
ment to be
hung up ten
days.

SECTION 4. That the said act, entitled "An act to incorporate the Rehoboth Beach Association," be and the same is hereby further amended as follows, to wit: In Section 12 of said act strike out the word "twenty," in the ninth and eleventh lines thereof, and insert in lieu thereof the word "ten".

Abatements
of tax for
prompt
payment.

In Section 13 of said act, after the word "taxes," in the twelfth line of said section, and before the word "the," in the thirteenth line, insert the words following, to wit: "In the collection of said taxes the said collector shall deduct five per cent. from the amount of the tax assessed against the person or property of any one who will pay such tax by the first day of September in any year following the assessment of the said tax, and shall deduct four per cent. from the amount of the tax assessed against the person or property of any one who will pay such tax by the first day of October in any year following the assessment of the said tax".

Special
power of
commission-
ers to pass
an ordinance

SECTION 5. That the said act, entitled "An act incorporating the Rehoboth Beach Association," be and the same is hereby further amended, as follows, to wit: In Section 15 of said act, after the word "proper" in the fourth line of said section and before the word "also" in the same line, insert the words following, to wit: "And especially shall have authority to pass an ordinance to prevent horses, mules, cows, sheep, hogs or other cattle from running at large within the limits of the said city of Rehoboth and to provide suitable penalties for the enforcement of the same."

Commis-
sioners shall
elect alder-
man.

Official title

Qualifica-
tions

Term of
office.

Removal
from office.

At the end of said Section 15 add the words following, to wit: "The said commissioners, at the meeting next after each annual election, as hereinbefore provided for, or as soon thereafter as convenient, shall elect some suitable person to be alderman of Rehoboth, who may or may not be a justice of the peace resident in said city, to serve as such for one year, or until his successor shall be duly elected, subject, however, to be removed from office at any time by a vote of two-thirds of all the said commissioners." Before entering

OF CITIES AND TOWNS.

upon the duties of his office he shall be sworn or affirmed, Oath of office.
by the president or by any one of the commissioners, to perform the duties of his office honestly, faithfully and diligently.

It shall be his duty to execute all laws enacted for the government of said city of Rehoboth and to carry into effect all the orders and directions of the said commissioners made in pursuance of any law of this State or of any ordinance that the said commissioners may legally make and establish. Duties of alderman.

He shall have all the powers of a justice of a peace within the said city, and shall have jurisdiction and cognizance of all breaches of the peace and other offenses in said city of Rehoboth, so far as to arrest and hold to bail, or fine and imprison offenders, and also of all fines, forfeitures and penalties which may be prescribed by any law of this State or by any ordinance of the said commissioners regularly passed and established for the government of the city; *provided* that he shall not impose any fine exceeding twenty dollars, or have jurisdiction in civil matters exceeding one hundred dollars, exclusive of costs. Powers and jurisdiction. Proviso. Fines; limit of. Limit of jurisdiction in civil matters.

His fees for any service under this section shall be the same as those of a justice of the peace for a like service, and for any service or duty for which no fee may be provided by law the fee may be established by ordinance of the commissioners. Fees.

If any vacancy shall occur in the office of alderman of Rehoboth by death, resignation, removal from office, or otherwise, such vacancy may be supplied by the commissioners at any meeting thereof for the residue of the term. Vacancies in office of alderman how supplied.

If any alderman shall be removed from his office by the commissioners as hereinbefore provided, he shall deliver to his successor in office, within two days after the election of his successor, all the books and papers belonging to his office, and shall pay over to the treasurer all moneys in his hands belonging to the said city of Rehoboth within five days after his removal. Duty of alderman to deliver books and papers to successor. Shall pay city moneys to treasurer.

Upon his neglect or failure to deliver to his successor in office, within the time aforesaid, all the books and papers belonging to his office, or upon his neglect or failure to pay over to the treasurer, within the time aforesaid, all moneys belonging to the city of Rehoboth, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, by indictment. Neglect of duty a misdemeanor.

OF CITIES AND TOWNS.

Penalty. ment, shall be fined not less than twenty nor more than one hundred dollars. The alderman shall report to the commissioners all fines and penalties and pay the same to the treasurer at such times as the commissioners shall order or direct.

Duty of alderman to report fines. To whom to be paid.

Appoint-ment of constables. The said commissioners may appoint such number of local constables as shall be deemed necessary, who shall constitute the city police.

Commis-sioners may keep a lock-up or jail. And it shall and may be lawful for the said commissioners to keep and maintain a suitable place as a lockup or jail for the use of said city of Rehoboth, and the alderman acting under the provisions of this act, or carrying into effect any judgment or sentence pronounced under its authority, or by virtue of any ordinance or regulation adopted by virtue of the power conferred by this act, or the act incorporating the Rehoboth Beach Association, may commit to the lockup or jail for any time not exceeding five days.

Alderman may commit to jail for five days.

SECTION 6. That the said act, entitled "An act incorporating the Rehoboth Beach Association," be and the same is hereby further amended by adding to Section 16 of said act, at the end thereof, the words following, to wit:

Misdemeanor to injure property of city. "If any person or persons shall willfully cut or tear down any wire or wire fence belonging to the said city of Rehoboth, or shall maliciously injure or destroy any of the property of the said city, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten nor more than one hundred dollars.

Penalty.

Fine.

Passed at Dover, May 2, 1893.

TITLE ELEVENTH.

Of the Domestic Relations.

CHAPTER 768.

OF THE MAINTENANCE OF BASTARD CHILDREN.

AN ACT to amend Chapter 77, Revised Code.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. Amend Section 3 of Chapter 77 by striking out the word "seven," in the fourth line of said section, and inserting in lieu thereof the word "ten."

Father of
bastard shall
pay for
maintenance
till ten years
old.

SECTION 2. Amend Section 5 of said chapter by striking out the words "two hundred," in the fourth line of said section, and inserting in lieu thereof the words "three hundred."

Recogni-
zance \$300.

SECTION 3. Amend Section 7 of said chapter by striking out the words "one hundred and sixty," in the third and fourth lines of said section, and inserting in lieu thereof the words "three hundred;" and by striking out the word "seven," wherever it occurs in said section, and inserting in lieu thereof the word "ten," and by striking out the words "not less than one dollar nor more than two dollars every month" and inserting in lieu thereof the words "not less than two nor more than four dollars every month."

Bond for
maintenance
\$300.

Monthly
payments
for mainten-
ance.

SECTION 4. Amend Section 10 of said chapter by striking out of said section the words "two hundred" and inserting in lieu thereof the words "three hundred."

Recogni-
zance on ap-
peal, \$300.

Passed at Dover, April 10, 1893.

TITLE TWELFTH.

Of Titles to Real Property.

CHAPTER 769.

OF ALIENS.

AN ACT in relation to the Estate of Aliens, and to Complete their Title to the same.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Convey-
ances to
aliens made
prior to Feb-
ruary, 1893,
declared to
convey a good
title.

Convey-
ances from
aliens de-
clared legal
and to con-
vey a good
title.

Mortgage
taken by
alien de-
clared effec-
tual.

SECTION 1. That all grants, bargains, sales, conveyances and devises of lands, tenements and hereditaments within the State made before the first day of February, A. D. 1893, to any person or persons who at the time of making the same was an alien, or were aliens, shall be good and effectual to vest in the grantee or grantees, bargainee or bargainees, devisee or devisees, such estate and interest and as good a right and title in the same as he, or she, or they could have taken by the same grant, bargain, sale, conveyance, or devise if he, or she or they had been legally naturalized at the time of making the same; and all deeds and conveyances made of any lands, tenements or hereditaments within this State by any such alien or aliens, or his or her or their legal representatives, or by virtue of any legal process directed to the sheriff or coroner, shall be as good and effectual to vest in the grantee or grantees, bargainee or bargainees, devisee or devisees, such estate and as good a right and title in and to the same lands, tenements and hereditaments as such grantee, bargainee or devisee could have taken by the same if the grantor, bargainor or devisor had been legally naturalized at the time of making such grant, bargain, sale, conveyance or devise last mentioned; and any mortgage or other security taken by any alien to secure the payment of purchase money or any part thereof of lands, tenements or hereditaments sold and conveyed by such alien, shall be as good and effectual

• OF TITLES TO REAL PROPERTY.

and collectible by the same process of law as if the person in whose favor the same was or may be taken had been legally naturalized at the time of making such mortgage or other security.

SECTION 2. *And be it further enacted as aforesaid,* That the widow, child or children, respectively, of any alien, who died before the first day of January, A. D. 1893, shall be held to have acquired and taken the same interest, right and estate as they would have done if such alien had been a citizen at the time of his death, and all conveyances made by such widow, child or children, or of their or of any of their rights or estates by legal proceedings, shall be as valid and effectual to convey such rights and estates as if such alien had been a citizen at the time of his death.

Widow or child of alien dying prior to January, 1893, shall take title in estate.
Conveyances by widow or child valid.

SECTION 3. *And be it further enacted as aforesaid,* That all conveyances of lands, tenements and hereditaments within this State, which shall have been acknowledged before any consular agent and attested under the seal of such consular agent before the first day of February, A. D. 1893, shall be deemed and taken to have been legally and properly acknowledged, and if not already recorded may and shall be admitted of record in the county in which the lands, tenements and hereditaments conveyed thereby are situated, and all such conveyances, or a duly certified copy of the record thereof, shall be evidence in any court of law or equity in this State.

Conveyances acknowledged before consular agent valid if taken prior to Feb. 1893.
May be recorded.
Such conveyance or certified copy shall be evidence.

Passed at Dover, March 16, 1893.

OF TITLES TO REAL PROPERTY.

CHAPTER 770.

OF CONVEYANCES.

AN ACT to Make Valid the Record of Certain Deeds.

Preamble.

WHEREAS there are many conveyances of land within this State of long standing, executed and delivered bona fide by the parties grantors, under which the grantees named in said conveyances, and those claiming under them, have entered into and continuously held quiet and uninterrupted possession of the premises so conveyed, which said deeds were not acknowledged and certified in accordance with the requirements of the laws of this State in force at the time of their execution, but having been nevertheless entered upon the records by the recorder of deeds in and for the several counties of this State,

Further preamble.

AND WHEREAS by reason of such defect the record of said deeds cannot be offered in evidence, therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Record of deed signed and sealed prior to Jan. 1880, valid notwithstanding improper acknowledgment.

SECTION 1. That the record of any deed dated prior to the first day of January, 1880, and which was duly signed and sealed by the parties therein named as grantors, notwithstanding said deed had not been acknowledged, or the private examination of any married woman party thereto had not been taken or certified in conformity with the requirements of the laws of this State in force at the time of its execution, shall be and the same is hereby made valid and effectual in law as if said deed had been correctly acknowledged and certified, and the said record, or any office copy thereof, shall be admitted as evidence in all courts of this State, and shall be valid and conclusive evidence, as if said deed had been in all respects acknowledged and the acknowledgment certified in accordance with then existing laws.

Record and office copy conclusive evidence.

Passed at Dover, May 3, 1893.

OF TITLES TO REAL PROPERTY.

CHAPTER 771.

OF CONVEYANCES.

AN ACT to amend Chapter 617 of Volume 17, Laws of Delaware, as amended by Chapter 247 of Volume 19, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Chapter 617 of Volume 17, Laws of Delaware, as amended by Chapter 247 of Volume 19, Laws of Delaware, be and the same is hereby amended by adding thereto the following section, viz:

"SECTION 3. That whenever an execution for sale of lands and tenements shall be directed and delivered to a sheriff in office who shall die before the confirmation of the sale made under and by virtue of said execution, or who shall die after confirmation of said sale but before the execution and acknowledgment of the deed to be made in pursuance thereof, then and in either case the sheriff appointed to fill the vacancy shall have authority to make, execute and acknowledge a deed for the lands and tenements so sold to the purchaser thereof in pursuance of said confirmation, and the deed so made, executed and acknowledged by him shall be good and valid in law."

Sale of lands under execution by sheriff who dies before confirmation or who shall die after confirmation and before execution and acknowledgment of deed

SECTION 2. That the provisions of this act shall apply to all sales which have heretofore been made as well as to sales hereafter to be made.

To what sales these provisions apply.

Passed at Dover, May 4, 1893.

OF TITLES TO REAL PROPERTY.

CHAPTER 772.

OF CONVEYANCES.

AN ACT to enable Married Women to Sell and Convey their Separate Real Estate in certain cases.

Preamble. WHEREAS it often happens that married women, owning real estate in their own right, are deserted and abandoned by their husbands and left to support themselves and their children by their own means and efforts :

Further pre- AND WHEREAS such married women are unable to sell and amble. convey by good and marketable title discharged from their husband's inchoate right by courtesy their said real estate, to the great embarrassment and hardship of such married women, now therefore, for remedy thereof,

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Abandoned married woman may sell her own real estate held in her own right. SECTION 1. That every married woman so abandoned by her husband without just cause, and being the owner in her own right of real estate in this State, and not acquired through her husband or with his means, shall have full power to sell or otherwise dispose of the same as effectually to all intents and purposes as if she were a single woman.

Conveyances under this act, before whom to be acknowledged. SECTION 2. Conveyances made in pursuance of this act shall be acknowledged before the chancellor, chief justice, or resident judge of the county in which the lands lie; and in addition to the certificate that it is the act and deed of the party signing the same, the chancellor, chief justice, or resident judge shall, further certify that it had satisfactorily appeared to him that the party executing the same had been abandoned by her husband without just cause.

Certificate of abandonment. Deed effectual when executed, certified and recorded. SECTION 3. A deed so executed and certified and recorded in the county in which the lands lie shall be as good and effectual to all intents and purposes whatsoever as if the grantor executing the same were a single woman.

Passed at Dover, April 11, 1893.

OF TITLES TO REAL PROPERTY.

CHAPTER 773.

OF INTESTATES' REAL ESTATE.

AN ACT to amend Section 29 of Chapter 85 of the Revised Code.

*Be it enacted by the Senate and House of Representatives
of the State of Delaware in General Assembly met:*

SECTION 1. That Section 29 of Chapter 85 of the Re-
vised Code be and the same is hereby amended by striking
out, in the third and fourth lines of said section, the words
"in the same proportions by which they hold such intestate
real estate."
Section 29,
Chap. 85,
Revised
Code
amended.
Words
struck out.

Passed at Dover, May 2, 1893.

TITLE THIRTEENTH.

Of the Administration of Estates.

CHAPTER 774.

OF THE SETTLEMENT OF PERSONAL ESTATES.

AN ACT in relation to the Settlement of a Deceased Person's Interest in Firms and Copartnerships.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Duty of surviving partner to file statement of assets of firm with Register in Chancery.

Shall give bond.

Conditions of bond.

Bond payable in one year.

SECTION 1. That whenever any partner or member of any firm or copartnership existing within the State of Delaware shall die, it shall be the duty of the surviving member or members thereof, within the space of thirty days after the decease of such partner, to appear before the Register in Chancery of the county in which the principal office of such firm or copartnership is located, and to file in the office of said Register in Chancery a written estimate of the value of the assets of such firm or copartnership, and to give bond to the State of Delaware, with proper surety, in an amount equivalent to such estimate; the condition of said bond to be as follows, viz:

"The condition of this obligation is such that if the above named — — shall well and faithfully perform all the acts and duties of surviving partner as are now provided by law, and shall on or before the — day of — in the year of our Lord — pay over and deliver to [the] executor (or administrator) of the said — —, the deceased partner, all moneys, rights, credits, goods and chattels which constituted the said deceased partner's just and true share or interest in the assets of the firm at the time of his death, then this obligation to be void and of no effect, otherwise it shall remain and continue in full force and virtue." The time at which the said bond shall become due and payable shall, in general, be

OF THE ADMINISTRATION OF ESTATES.

one year from the date thereof, but the Register in Chancery shall have power, if he deem it essential to the interest of such firm or copartnership so to do, to extend this time; *provided, however*, that such extension shall never extend the time of payment of the bond beyond the space of two years from its date. *Provided further, however*, that the time of payment of the said bond may be still further extended after the extension by the Register in Chancery if the Chancellor shall so order and direct.

Register in
chancery
may extend
time.

Proviso.

Further ex-
tension by
chancellor.

SECTION 2. That it shall be the duty of the Register in Chancery, before whom such surviving partner or partners shall have appeared, and after they shall have filed the written estimate of the value of the assets of the firm, as hereinbefore provided, to appoint two just and impartial men as appraisers, whose duty it shall be to inspect the goods and chattels and such other property as shall constitute the assets of the firm, and to examine all books and accounts of such firm, and to make and file in the office of the said Register in Chancery, within thirty days from the date of their appointment, a true, correct and sworn inventory and appraisal of the assets and also of the liabilities of such firm; and if it shall appear from such inventory and appraisal that the estimate theretofore filed by the surviving partner or partners as aforesaid was incorrect and deficient the register shall require such surviving partner or partners to enter into additional bond.

Duty of re-
gister in
chancery
to appoint
appraisers.

Duty of ap-
praisers

Inventory,
where to be
filed.

Additional
bond; when
required.

SECTION 3. That upon the failure of the surviving member or members of any co-partnership to comply with the provisions of Section 1 of this act, the Register in Chancery shall, upon application to him for that purpose by any person having an interest in the estate of such diseased partner as heir, devisee, or otherwise, send a written notice to such surviving member or members, summoning them to appear before him at his office, on a day designated therein, and show cause of their failure to comply as aforesaid; and if such surviving members shall fail to appear on that day, or if after appearance they shall fail to show a good and sufficient cause for their former failure to comply, the Chancellor shall upon application made by any person having an interest in the estate of the deceased partner appoint a receiver, who shall proceed to close up and settle the business of such copartnership; said receiver shall be subject to all the provisions of existing laws in regard to receivers.

Failure of
surviving
member to
comply.

Register in
chancery to
give notice.

When re-
ceiver may
be appointed

Duty of re-
ceiver

OF THE ADMINISTRATION OF ESTATES.

SECTION 4. That upon the payment of such surviving member or members of all moneys, rights and credits which constituted the just and true share or interest of such deceased partner in the assets of the firm to the executor or administrator of the estate of said deceased partner, his acquittance therefor shall be filed in the office of the Register in Chancery and the same shall be received as evidence.

Passed at Dover, May 2, 1893.

TITLE FOURTEENTH.

Of Courts of Justice.

CHAPTER 775.

OF COURTS OF JUSTICE.

AN ACT in Relation to Special Sessions of Courts of Justice.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the Chancellor of this State may, whenever a majority of the members of the Court of Errors and Appeals shall deem it expedient, call a special session of said court, to meet at Dover, upon such notice as he shall prescribe. Such call shall be in writing, and shall be filed with the clerk of said court and by him entered of record, and a copy thereof shall be thereupon immediately transmitted by the said clerk to each of the judges of said court. At such special session the said court shall have the power to transact any and all business which it might lawfully entertain at any regular session thereof.

Chancellor authorized to call special sessions of the Court of Errors and Appeals.
Call to be in writing.

Record of. Powers of court at special sessions

SECTION 2. That the Chief Justice of this State be and he is hereby authorized to call a special session of the Superior Court in any county whenever a majority of the members of the said court shall deem it expedient, upon such notice as he shall prescribe. Such call shall be in writing, and shall be delivered to the prothonotary of the county in which said special session is called, and shall be by him entered upon the records of said court. A copy thereof shall be thereupon immediately transmitted by the said prothonotary to each of the judges of said court. At such special session the said court shall have cognizance of such business only as the Chief Justice shall designate in the call for such special session.

Chief Justice authorized to call special sessions of Superior Court
Call to be in writing.

Record of. Copy to be sent to judges. Powers of court at special sessions.

OF COURTS OF JUSTICE.

Lawful to
file petition
for manda-
mus in vaca-
tion.

Prothono-
tary shall
transmit to
Chief Jus-
tice.

Hearing.

Rule of
Chief Jus-
tice.

Return of
rule.

SECTION 3. It shall be lawful at any time in vacation for a petition for a mandamus to be filed in the office of the prothonotary of the Superior Court of any county, and such petition shall be immediately transmitted by the said prothonotary to the Chief Justice of the State. If it shall appear that the matters contained in said petition and affidavits accompanying the same ought to be heard and determined before the time of the next regular session of said court, then it shall be lawful for the Chief Justice to award a rule to show cause why a mandamus shall not be issued and to make the said rule returnable at a special session of the said court, to be called as provided in Section 2 of this act.

Passed at Dover, April 10, 1893.

TITLE FIFTEENTH.

Of the Justices of the Peace.

CHAPTER 776.

JUSTICES' JURISDICTION IN CIVIL CASES OF DEBT.

AN ACT to amend Section 4 of Chapter 99 of the Revised Code.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Section 4 of Chapter 99 of the Revised Code be and the same is hereby amended by striking out all of paragraph five of said section, after the word "adjourned" in said paragraph, and inserting in lieu thereof the following: "and pays and satisfies any judgment that shall be rendered against him in such proceedings."

When special bail is discharged.

SECTION 2. That said Section 4 is also further amended by striking out all of paragraph six of said section, after the word "found," in the third line of said paragraph and before the word "proceedings," in the fourth line thereof, and by striking out all of paragraphs eleven and twelve of said Section 4.

When proceedings may be had against bail.

Paragraphs stricken out.

Passed at Dover, March 10, 1893.

TITLE SIXTEENTH.

Of Civil Actions in General.

CHAPTER 777.

OF WITNESSES AND EVIDENCE.

AN ACT permitting Persons Accused of Crime to Testify in their own behalf.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Right of accused persons to testify in their own behalf

Also for and against persons joined with them.

Failure to testify; how to be construed.

SECTION 1. That from and after the passage of this act each and every person accused or who shall be accused of any felony, misdemeanor or offense whatsoever, punishable by the laws of this State now or hereafter in force shall, upon his or her trial before any tribunal established by the constitution or laws of this state, have the right to testify in his or her own behalf, and shall also have the right to testify for or against any other person or persons jointly tried with him or her; *provided, however,* that a refusal or failure to testify shall not be construed or commented upon as an indication of guilt.

Passed at Dover, May 4, 1893.

OF CIVIL ACTIONS IN GENERAL.

CHAPTER 778.

OF JUDGMENT LIENS.

AN ACT limiting Judgment Liens upon Real Estate, and for other purposes.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. No judgment for the recovery of money here-
 after entered or recorded in the Superior Court of this State
 in any county, whether rendered by said court or transferred
 thereto from the Court of Errors and Appeals, or from the
 dockets of a justice of the peace, or operative in said county
 by virtue of any writ of *testatum fieri facias*, or otherwise,
 howsoever recorded in said court, shall continue a lien upon
 real estate for a longer term than ten years next following
 the day of entry or recording of such judgment; or in case
 the whole or any part of the money for which such judgment
 shall be recovered or rendered shall not be due and payable
 at or before the time of its entry or recording the day on
 which such money shall have become wholly due and pay-
 able, unless within the said term of ten years, the lien of
 such judgment shall be renewed and continued by a written
 agreement, signed by the plaintiff or plaintiffs therein, or the
 assignee or assignees thereof, or the person or persons to
 whose use such judgment shall have been marked, or his,
 her or their executors or administrators, and by the defend-
 ant or defendants therein, or his, her or their executors or
 administrators, and the terre tenant or terre tenants of the
 real estate bound by such lien, or, in case of a judgment
 upon a mechanics' lien, the terre tenant or terre tenants of
 such real estate, or by the attorneys of record of the respec-
 tive parties to such judgment, or of the persons interested
 therein as aforesaid, in substantially the following form, after
 stating the title of the cause, to wit: "It is agreed that the
 lien of this judgment shall be extended for the term of ten
 years," filed in the office of the prothonotary and by him
 minuted and certified upon the record of said judgment, or
 of the *testatum fieri facias*, as the case may be, or by *scire*
facias, in manner hereinafter set forth; *provided, however,*
 that if a writ of *scire facias* shall be sued out of said court
 before the expiration of said term of ten years, and said term

No judg-
 ment a lien
 upon real
 estate for
 more than
 ten years.

How renew-
 able.

Form of
 renewal.

Prothono-
 tary to
 certify upon
 the record.

Provido.

OF CIVIL ACTIONS IN GENERAL.

Lien to continue pending proceedings on scire facias.

Effect of writ of error

When restoration not operative as against bona fide purchaser.

Extension of lien for ten years.

Further renewals.

After Jan. 1, 1896, no real estate to be taken by execution process upon judgment entered prior to Jan. 1, 1886, and then wholly due and payable.

shall expire during the pendency of the proceedings upon the said *scire facias*, the lien of said judgment shall continue until final determination by said court of the rights of the respective parties thereto, or until the discontinuance or dismissal of such *scire facias*; and *provided further*, that if final judgment in such *scire facias* shall be rendered against the plaintiff or plaintiffs therein, and a writ of error shall be taken and the Court of Errors and Appeals shall render final judgment thereon in favor of the plaintiff or plaintiffs in error, the lien of such original judgment shall be restored and continued, but such restoration or continuance of said lien by such final judgment by the Court of Errors and Appeals shall not in any manner affect or be operative as against any bona fide purchaser, mortgagee, or judgment creditor who shall become such after the entry of such final judgment by the Superior Court upon such *scire facias* and before the noting upon the record of such final judgment in such *scire facias* of the taking of such writ of error.

SECTION 2. Immediately from and after the minuting and certifying upon the record of such original judgment, or of such *testatum fieri facias*, as the case may be, of such agreement for the extension of the lien thereof, or the entry of final judgment in the Superior Court in favor of the plaintiff or plaintiffs in such writ of *scire facias*, or the entry of final judgment in the Court of Errors and Appeals restoring and continuing such lien, such lien shall continue for the further term of ten years next thereafter unless sooner lost by final judgment by the Court of Errors and Appeals. And in like manner and with like effect such lien so renewed or restored and continued may, by a like agreement filed and minuted and certified upon the record of such original judgment, or of such *testatum fieri facias*, as the case may be, as aforesaid, before the expiration of the extended term or by final judgment in *scire facias* as aforesaid, be again renewed or restored and continued for the further term of ten years, and so from time to time as often as shall be found necessary.

SECTION 3. After the first day of January, A. D. eighteen hundred and ninety-six, no real estate shall be seized or taken by virtue of execution process upon any judgment for the recovery of money entered or recorded in the Superior Court of this State in any county prior to the first day of January, A. D. eighteen hundred and eighty-six, and wholly due and payable on or before the day and year last aforesaid, and from and after the said first day of January, A. D.

OF CIVIL ACTIONS IN GENERAL.

eighteen hundred and ninety-six the lien of such judgment upon real estate shall be lost unless prior to that time such lien shall be renewed and continued by agreement filed or by *scire facias* sued out in manner as provided in the preceding sections of this act.

Judgment liens to be lost unless renewed by agreement or by *scire facias*.

No real estate shall be seized or taken by virtue of execution process upon any other judgment for the recovery of money heretofore entered or recorded in said court after the expiration of the term of ten years next following the day of entry or recording of such judgment, or in case the whole or any part of the money for which such judgment was recovered or rendered was not due and payable at or before the time of its entry or recording the day on which such money became or shall become wholly due and payable, and at the expiration of said term of ten years the lien of such judgment upon real estate shall be lost unless within the said term of ten years such judgment shall be renewed and continued by agreement filed or by *scire facias* sued out in manner as provided in the preceding sections of this act. All the provisions of the preceding sections not inconsistent with the provisions of this section shall be applicable for the renewal or restoration and continuance and preservation of the lien of the judgments hereinbefore mentioned in this section and as to the force and effect and the loss of such lien.

No real estate to be seized or taken by execution process on judgment after ten years from entry; or, from the day such obligation is due and payable unless continued by agreement or by *scire facias*.

Consistent provisions of preceding sections applicable.

SECTION 4. In case the lien upon real estate of any judgment for the recovery of money heretofore or hereafter entered or recorded in the Superior Court of this State in any county shall be lost or interrupted under the provisions thereof and the said judgment shall thereafter be revived by *scire facias*, the same when so revived shall be a lien upon the real estate of the defendant or defendants in the original judgment, or, in case of judgment upon a mechanic's lien upon the real estate originally bound by such mechanic's lien from the time of such revival, but such lien shall not relate back, nor shall it in any manner affect any prior bona fide purchaser or mortgagee from or judgment creditor of such defendant or defendants or terre tenant or terre tenants.

Judgments revived by *scire facias* a lien from time of renewal.

Such lien not to relate back or to affect bona fide purchaser.

SECTION 5. A writ of *scire facias* for the renewal and continuance of the lien upon real estate of a judgment under the provisions of this act may be sued out of the Superior Court of this State in the county in which such original judgment has been or shall be entered or recorded by the

Proceedings by *scire facias* for the renewal and continuance of judgment liens.

OF CIVIL ACTIONS IN GENERAL.

plaintiff or plaintiffs in such judgment, or the assignee or assignees thereof, or the person or persons to whose use such judgment has been or shall be marked, or his, her or their executors or administrators, against the defendant or defendants in such judgment and the terre tenant or terre tenants of the real estate bound by such lien, or, in case of a judgment on a mechanic's lien, the terre tenant or terre tenants, directed to the sheriff of the county in which such writ shall issue, commanding him to make known to the defendant or defendants therein that he, she or they appear before said court and show cause, if any there be, why the lien of such judgment should not be renewed and continued. And in all other respects the practice, pleadings and procedure upon such *scire facias* shall conform as nearly as may be to the practice, pleadings and procedure on other writs of *scire facias* sued out of said court upon judgments under existing law.

Practice and pleadings.

Final judgment.

If final judgment be rendered for the plaintiff or plaintiffs in such writ, it shall be that the lien of such original judgment shall stand renewed and continued for the term of ten years next following the day of the entry of such judgment in the said action of *scire facias*, and that the plaintiff or plaintiffs therein have execution thereon as in other cases during said term of ten years.

Cases in which the foregoing sections of this act shall not apply.

SECTION 6. The provisions of the foregoing sections of this act shall not operate to defeat the due enforcement of any writ of execution under any judgment for the recovery of money heretofore or hereafter entered or recorded in the Superior Court of this State, in any county, by virtue of which real estate shall be seized or taken, if such writ of execution shall be issued before the first day of January, A. D. eighteen hundred and ninety-six, or before the expiration of the said term of ten years, as the case may be, nor shall they apply to any judgment heretofore or hereafter entered by virtue of a warrant of attorney, or otherwise, by confession in said court in any county upon any bond or obligation of indemnity, or for the faithful discharge of duty, or with conditions other than for the payment of money, or to any judgment upon a mortgage or recognizance, nor shall they in any manner apply to or affect the lien of any judgment on a bond, accompanied by a mortgage, and to secure which bond such mortgage has been or shall be given, except as to real estate not included in such mortgage.

OF CIVIL ACTIONS IN GENERAL.

SECTION 7. No judgment hereafter entered by virtue of a warrant of attorney in the Superior Court of this State, in any county, upon any bond or obligation with condition other than for the payment of money, shall be or operate as a lien upon real estate until said bond or obligation and warrant of attorney, or a copy thereof, certified under the hand of the prothonotary and the seal of said court, shall be filed in the office of such prothonotary. It shall be the duty of the prothonotary, at all times thereafter, to safely keep such bond or obligation and warrant of attorney, or certified copy thereof, in his office. The provisions of this section shall not apply to any official bond or obligation given by a public officer.

Judgment on bond other than for the payment of money not a lien upon real estate until bond or certified copy filed with prothonotary.
Duty of prothonotary.
Not to apply to bonds of public officers.

SECTION 8. The fees of the prothonotary for services under the provisions of this act shall, in so far as they are not provided for by existing law, be regulated by the Superior Court of the State in the several counties.

Fees of prothonotary.

SECTION 9. All acts or parts of acts in so far as inconsistent with the provisions of this act are hereby repealed.

Inconsistent acts repealed.

Passed at Dover, May 4, 1893.

CHAPTER 779.

OF EXECUTION.

AN ACT to amend Section 2, Chapter 562, Vol. 14, Laws of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That Section 2, Chapter 562, Vol. 14, Laws of Delaware, be and the same is hereby amended by adding thereto the following: "*Provided* that this exemption shall not apply to goods or chattels of a merchantable character bought to be sold and trafficked in by the person or persons in the prosecution of his, her or their regular business or occupation. *And provided further*, that no person shall have exempt from execution or attachment process any personal

Exemption not to apply to merchandise in trade
Proviso.

OF CIVIL ACTIONS IN GENERAL.

No exemption, except that provided by Section 1, to prevent collection of debts due for services of employees.

property, excepting that which is expressly exempted by Section 1 of the act hereby amended, when such exemption would prevent the collection according to law of any debt or claim that may be due or growing due for labor or services (other than professional services) rendered by any clerk, mechanic, laborer, or other employé of any person or persons against whom such execution or attachment process may have been or may be issued."

Passed at Dover, February 15, 1893.

CHAPTER 780.

OF EXECUTION.

AN ACT to amend Chapter 94, Volume 14, Laws of Delaware, as printed in Chapter 3 of the Revised Code.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Investment of money by a "majority" of the court in vacation.

SECTION 1. That Section 2 of Chapter 94, Volume 14, Laws of Delaware, as the same is printed in Chapter III of the Revised Code, be and the same is hereby amended by inserting, between the words "court" and "or" in the tenth line of said section, the following: "Or by a majority of the judges of said court in vacation."

Passed at Dover, March 31, 1893.

TITLE TWENTIETH.

Of Crimes and Punishments.

CHAPTER 78I.

OF OFFENSES AGAINST PRIVATE PROPERTY.

AN ACT to amend Section 1, Chapter 128, of the Revised Statutes of the State of Delaware.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Section 1 of Chapter 128 of the Revised Statutes of the State of Delaware be and the same is hereby amended by striking out the words "of another" in the second line of said section, and inserting in lieu thereof the words following, to wit: "whether it be his own or that of another in which there shall be at the time some human being;" and also by striking out the word "of" at the end of the third line and the word "another" in the fourth line of said section and inserting in lieu thereof the words following, to wit: "whether it be his own or that of another, in which there shall be at the time some human being;" and also by inserting, after the word "arson" and before the word "and," in the fourth line of said section, the words following, to wit: "of the first degree."

Section 1,
Chap. 128,
Rev. Code
amended.

Arson; what
shall constitute the
crime.

SECTION 2. That Section 1 of Chapter 128 of the Revised Statutes of the State of Delaware be and the same is hereby further amended by adding thereto, at the end thereof, the words following, to wit: "If any person shall willfully and maliciously burn or set on fire any dwelling house, whether it be his own or that of another, in which there shall not be at the time some human being, such person shall be deemed guilty of arson in the second degree and felony, and shall be fined not less than five hundred dollars nor more than five thousand dollars, and shall be imprisoned for a term not less than one nor more than ten years."

Arson in the
second degree.

Penalty.

Passed at Dover, May 2, 1893.

OF CRIMES AND PUNISHMENTS.

CHAPTER 782.

OF OFFENSES AGAINST PRIVATE PROPERTY.

AN ACT concerning the Conversion of Property by Bailees.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Punishment. SECTION 1. That if any person, being a bailee of money or other property the subject of larceny, shall embezzle or fraudulently convert the same to his own use, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine and imprisonment or either according to the discretion of the court.

Passed at Dover, May 3, 1893.

CHAPTER 783.

OF THE SALE OF CIGARETTES.

AN ACT Prohibiting the Sale of Cigarettes to Minors under the age of Seventeen Years.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Unlawful to sell or give cigarettes or cigarette papers to minors under seven-teen years. SECTION 1. That from and after the passage of this act no person or persons shall, within this State, sell or give to, or purchase or procure for, or furnish or any way assist any minor, under the age of seventeen years, in obtaining cigarettes or papers specially prepared and intended to be used for the purpose of making cigarettes.

Misde-meanor to violate these provisions. SECTION 2. That any person or persons violating the provisions of this act shall for every such offense be deemed guilty of a misdemeanor, and upon conviction thereof by indictment shall be fined not more than one hundred dollars, or imprisoned for a term of not more than three months, or both, at the discretion of the court.

Punishment

Passed at Dover, April 11, 1893.

OF CRIMES AND PUNISHMENTS.

CHAPTER 784.

OF EXTORTION.

AN ACT in Relation to Extortion.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That any person who, knowing the contents thereof and with intent by means thereof to extort or wrongfully gain any money or other property, shall send or deliver, or in any manner cause to be sent or delivered to any other person any letter or writing whatsoever threatening to accuse any person of a crime, or to do any injury to any person or any property, or to publish or connive at publishing any libel, or to make or cause to be made any slanderous statement, or to expose any deformity of person, or to impute to any person any disgraceful act or conduct, and any person who, with intent thereby to extort or wrongfully gain any money or other property, shall make, or cause to be made to any other person any oral statement or communication, threatening as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not exceeding five thousand dollars and to imprisonment for a term not exceeding five years, or to either, in the discretion of the court.

Unlawful to send threatening letter, with intent to extort money or property.

Or oral message.

Declared a misdemeanor. Punishment.

Passed at Dover, April 17, 1893.

OF CRIMES AND PUNISHMENTS.

CHAPTER 785.

OF OFFENSES AGAINST PUBLIC POLICY.

AN ACT to prevent the accomplishment of Frauds upon the General Assembly by means of deceptive and tricky amendments or additions to acts.

Preamble.

WHEREAS, notwithstanding the greatest care and scrutiny, it has not at all times been possible to prevent deceit and fraud being practised upon the General Assembly by means of obscure additions to acts during their pendency and before enrollment, not germane to the matter contained in the body of a bill and foreign to its original purpose, therefore

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met (two-thirds of each branch thereof concurring herein):

Parts of acts passed at present session and not germane to body of the act, or which are foreign to the purpose of the act, repealed.

SECTION 1. That all sections and parts of sections of any act heretofore passed by the General Assembly at its present session not germane to the body of the act, wherever the same is or are contained, and all parts of acts foreign to the subject matter or main purpose of the act wherein contained, be and the same are hereby repealed and revoked and made absolutely null and void for any and all purposes whatsoever, and the same shall be held and construed to have no effect in law whatsoever, nor to affect, increase, diminish or impair, repeal or add to any law, rights, matters, or things as they or any of them existed prior to the passage of any act or acts by the said General Assembly as aforesaid containing such sections, parts of sections or parts of acts which are hereby repealed, revoked and made null and void.

Passed at Dover, May 5, 1893.

OF CRIMES AND PUNISHMENTS.

CHAPTER 786.

OF FUGITIVES FROM JUSTICE.

AN ACT to amend Chapter 223 of Volume 17, Laws of Delaware, in relation to Requisitions for Fugitives from Justice.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met :

SECTION 1. That Section 1 of Chapter 223, Volume 17, Laws of Delaware, be and the same hereby is amended by inserting, between the words "demand" and "deliver," in the second line thereof, the words "made in conformity with said constitution and the acts of Congress pursuant thereto", and also by striking out the words "demand or," in the eighth and in the tenth and eleventh lines of said section.

Demand on Governor for fugitive from justice, to be made in conformity with acts of Congress.

SECTION 2. That Section 3 of said Chapter 223 be and the same is amended as follows: First, by striking out all of said section, between the figure "3," in the first line, and the word "to," in the eighth line thereof, and substituting therefor the following: "Whenever the executive authority of any state or territory demands any person as a fugitive from justice, charged with having committed a crime in such state or territory, the Governor may issue a warrant to the sheriff of the county in which such person so charged may be found, either directing him to arrest and deliver such person to the duly authorized agent of the executive authority making such demand, appointed to receive the fugitive, or, in case he shall deem it necessary, commanding said sheriff to arrest and bring such person forthwith before the Chief Justice or any Associate Judge for this State".

Proceedings for the arrest and hearing of a fugitive from justice found in this State.

Second, by inserting, between the words "imprisoned" and "whenever," in the twenty-fourth line of said Section 3, the following: "The sheriff, or other officer, having a person in his custody, arrested pursuant to the Governor's warrant, directing him to deliver such person to the agent of the executive authority, demanding him as a fugitive from justice, shall, before so delivering him, allow such person, on application by himself, his friends, or counsel, a reasonable opportunity for resort to appropriate proceedings for reviewing and determining the legality of the demand and of his arrest and detention".

Fugitive to be allowed a "reasonable opportunity" for proceedings to determine the legality of arrest.

Passed at Dover, January 26, 1893.

MISCELLANEOUS.

CHAPTER 787.

OF THE WORLD'S COLUMBIAN EXPOSITION.

AN ACT to make a further Appropriation for the Collection, Arrangement and Display of the Products of the State of Delaware at the World's Columbian Exposition of 1893.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the sum of ten thousand dollars (\$10,000), or as much thereof as may be necessary, be and the same is hereby appropriated for the further carrying into effect of the provisions of Chapter 179, Volume 19, Laws of Delaware, and the State Treasurer is hereby directed to pay the same from the general fund, from time to time on the requisition of the "Board of World's Fair Managers of Delaware," signed by the president and secretary thereof, who shall certify that the same is actually necessary for disbursement, and at the close of the services of said commission they shall make to the Governor a statement of disbursements of the said appropriation with complete vouchers therefor attached.

SECTION 2. That the additional sum of six hundred dollars (\$600) (or so much thereof as may be necessary) be and the same is hereby appropriated to secure a creditable display of the special work of Delaware women at the World's Columbian Exposition of 1893, already undertaken by Mrs. Ida M. Ball, wife of J. Frank Ball, and for the proper care and superintendence thereof, and the State Treasurer is hereby directed to pay the said sum from the general fund on the requisition of Ida M. Ball, wife of J. Frank Ball, of the city of Wilmington, signed by the said Ida M. Ball, who shall certify that the same is actually necessary for disbursement, and at the close of the said exposition the said Ida M. Ball

Ten thousand dollars appropriated to carry out provisions of Chap 179, Vol. 19.

How payable.

Statement to Governor by commission.

Six hundred dollars appropriated to secure a display of Delaware Women's work

To whom to be paid

Certificate.

OF SCHOOLS.

shall make to the governor a statement of the disbursements made upon her order with complete vouchers therefor attached; *provided* that the appropriation made by this section shall not in anywise be construed to prevent the said "State Board of World's Fair Managers," from using any part of the ten thousand dollars (\$10,000) by this act appropriated for the use of a woman's work exhibit from Delaware.

Statement of disbursements to be made to the Governor. Proviso.

SECTION 3. The said "Board of World's Fair Managers" are hereby authorized and directed to sell the Delaware State building at Jackson Park, Chicago, the furniture therein, and such other property as may belong to the State of Delaware, and which it shall be proper to sell, for the best prices that can be obtained for the same, and the proceeds paid to the State Treasurer, who shall deposit the same to the credit of the general fund of the State of Delaware; *provided*, that the property in this section authorized to be sold shall not be delivered until after the close of the exposition.

Board of World's Fair Managers authorized to sell Delaware State Building and furniture, etc. Proceeds: application of. Proviso.

Passed at Dover, February 28, 1893.

CHAPTER 788.

OF SCHOOLS.

AN ACT transferring Isaac Derrickson from School District 134 to School District 140 in Sussex County.

Be it enacted by the Senate and House of Representatives of the State of Delaware in General Assembly met:

SECTION 1. That the farm now belonging to Isaac Derrickson, and situated in School District 134, in Baltimore hundred, in the County of Sussex, be and the same is hereby transferred to School District 140, in said county, and shall hereafter constitute a part of said District No. 140.

Farm of Isaac Derrickson transferred from School District 134 to School District 140, Sussex Co.

OF SCHOOLS.

SECTION 2. That from and after the passage of this act the aforesaid farm and premises shall be assessed for school purposes in said School District No. 140 in Sussex county, and is hereby relieved and discharged from the same in School District No. 134 in said county.

Farm to be
hereafter as-
sessed in
District 140.

SECTION 9. That this act shall be deemed and taken to be a public act.

Passed at Dover, April 5, 1893.

RESOLUTIONS.

CHAPTER 789.

Joint Resolution appointing a Joint Committee of both Houses to wait upon the Governor and inform him that the two Houses of the General Assembly are Organized and ready to receive any Communication he might see proper to make.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That a Joint Committee, consisting of two on the part of the Senate and three on the part of [the] House, be appointed to wait upon his Excellency, Governor Robert J. Reynolds, and inform him that the two houses are organized and ready for business.

Committee
to wait upon
the Gov-
ernor.

Adopted at Dover, January 3, 1893.

CHAPTER 790.

Joint Resolution in respect to the Memory of the late Senator John W. Hall.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That so great a loss to the State as the death of Hon. John W. Hall, while serving the term for which he had been elected as a member of the Senate, deserves a fitting memorial at our hands.

Joint resolu-
tions upon
the death of
Hon John
W. Hall.

RESOLUTIONS.

Resolved, That the high esteem in which he was held by the citizens of this county and State has been clearly manifested by his having been elected to the office of Governor of the State, and twice elected to the Senate.

Resolved, That he was highly successful in discharging the duties of these public stations in such a manner as to reflect credit upon himself and promote the welfare of the people, it being the strong motive of his life to be animated at all times by a sense of duty.

Resolved, That he adorned the station of private life by an exhibition of all those virtues that characterize a good citizen, being kind, affectionate and faithful in his social relations; honest, diligent and successful in business.

Resolved, That we deeply feel his loss to ourselves, and sincerely condole with his fellow-citizens and his family in their bereavement.

Adopted at Dover, January 3, 1893.

CHAPTER 791.

Joint Resolution in relation to Adjournment.

Resolved by the Senate and House of Representatives [of the State of Delaware in General Assembly met]:

That when the two Houses of the General Assembly adjourn it be to meet on Monday, January 9th, 1893, at 11 o'clock a. m.

Adjourn-
ment of the
two Houses.

Adopted at Dover, January 3, 1893.

RESOLUTIONS.

CHAPTER 792.

Joint Resolution for the appointment of a Joint Committee to Draft Rules to Govern the Intercourse between the two Houses.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That a committee of two on the part of the Senate and three on the part of the House of Representatives be appointed to draft rules to govern the intercourse between the two Houses.

Joint committee on rules.

Adopted at Dover, January 9, 1893.

CHAPTER 793.

Joint Resolution appointing a Joint Committee to Settle with the State Treasurer and Examine the Accounts of the State Auditor.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That a joint committee, consisting of two on the part of the Senate and of three on the part of the House of Representatives, be appointed to settle with the State Treasurer and examine the accounts of the Auditor.

Joint committee to settle with State Treasurer and Auditor of Accounts.

Adopted at Dover, January 9, 1893.

RESOLUTIONS.

CHAPTER 794.

Joint Resolution convening the General Assembly in Joint Session to ascertain the result of the Special Election respecting a Constitutional Convention.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Joint session of the two Houses to ascertain the vote of the special election of May 1891, respecting a constitutional convention.

That in accordance with the provisions of the act entitled "An act to provide for the holding of a special election for the purpose of ascertaining the sense of the people in respect to calling a Constitutional Convention," passed at Dover, March 31st, A. D. 1891, the members of the Senate and of the House of Representatives of the State of Delaware do meet in joint session, in the Hall of the House of Representatives, at eleven o'clock, a. m., on Wednesday, the eleventh instant, to be present at the opening and publishing of the returns of the special election held in the several counties of the State on the third Tuesday of May, A. D. 1891, for the purpose of ascertaining the sense of the people in respect to calling a convention to change, alter and amend the Constitution of the State, and to ascertain therefrom the result of said election throughout the State by calculating the aggregate amount of all the votes that shall have been given respectively "For a Convention" and "Against a Convention" in all the counties of the State; and that two tellers be appointed, to wit: one by and on the part of the Senate, and one by and on the part of the House of Representatives, to make a list of the votes as the same shall be published from said returns.

How result to be ascertained.

Certificates of votes cast

Resolved, That upon the opening and publishing the returns of the said special election by the Speaker of the Senate in the presence of both houses of the Legislature assembled as aforesaid, and ascertaining the result of the votes cast as aforesaid, two certificates shall be made according in the following form, to wit:

The State of Delaware, ss.

Form of certificates.

Be it known that the General Assembly, having met at Dover, in joint session, on Wednesday, the eleventh day of January, A. D. 1893, — — Esquire, Speaker of the Senate did, on the — day of January aforesaid, open and publish, in the presence of the members of the Senate and

RESOLUTIONS.

of the House of Representatives, the returns of the special election held in the several counties of the said State on the third Tuesday of May, A. D. 1891 for the purpose of ascertaining the sense of the people of this State in respect to calling a convention to change, alter and amend the Constitution of the State, and by the returns of said election, and from the certificates thereof duly made and delivered as required by law, it appears that the result of the vote cast in the several counties of the State at the said special election by the citizens in the State having right to vote for representatives is as follows:

In New Castle county there were — votes cast "For a Convention" and — votes cast "Against a Convention."

In Kent county there were — votes cast "For a Convention" and — votes cast "Against a Convention."

In Sussex county there were — votes cast "For a Convention" and — votes cast "Against a Convention."

The aggregate vote cast in the State "For a Convention" was — votes.

The aggregate vote cast in the State "Against a Convention" was — votes.

Attest:

— — Clerk of the Senate,
 — — Speaker of the Senate,
 — — Clerk of the House of Representatives,
 — — Speaker of the House of Representatives.

Resolved, That said certificates, when duly filled with the number of votes, respectively, ascertained as aforesaid, shall be signed by the respective speakers and attested by the respective clerks of the two Houses of the General Assembly, and that one of said certificates, after having been entered in full upon the Journal of the Senate, shall be deposited by the Speaker of the Senate in the office for the recording of deeds in and for Kent county, there to be recorded by the Recorder of Deeds for said county, and the other of said certificates, after having been entered in full upon the Journal of the House of Representatives, shall be deposited by the Speaker of said House with the Secretary of State to be filed by him among the records of his office.

Signing and
attesting of
certificates.

Where to be
recorded.

To be en-
tered upon
Journal of
the House.
To be filed
by Secretary
of State.

Adopted at Dover, January 10, 1893.

RESOLUTIONS.

CHAPTER 795.

Joint Resolution appointing a committee of three on the part of the House and two on the part of the Senate to settle with the Secretary of State.

Resolved by the House of Representatives [of the State of Delaware in General Assembly met (by and)] with the concurrence of the Senate):

Joint committee to settle with Secretary of State.

That a committee of three on the part of the House and two on the part of the Senate be appointed to settle with the Secretary of State.

Adopted at Dover, January 10, 1893.

CHAPTER 796.

Joint Resolution in relation to Adjournment.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Adjournment.

That when the two Houses adjourn it be to meet on Tuesday, January 17th, A. D. 1893, at ten o'clock, a. m.

Adopted at Dover, January 11, 1893.

RESOLUTIONS.

CHAPTER 797.

Joint Resolution authorizing [the] Printing of 600 copies of State Treasurer's Report for 1891 and 1892.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That the State Treasurer be authorized to have printed for distribution six hundred copies of his report for the years 1891 and 1892.

State Treasurer authorized to have printed 600 copies of his report.

Adopted at Dover, January 11, 1893.

CHAPTER 798.

Joint Resolution appointing an Auditor of Accounts.

Be it resolved by the Senate and House of Representatives [of the State of Delaware in General Assembly met] :

That John P. Dulaney be appointed to the office of Auditor of Accounts for this State.

Appointment of Auditor of Accounts.

Adopted at Dover, January 17, 1893.

CHAPTER 799.

Joint Resolution appointing a State Treasurer.

Be it resolved by the Senate and House of Representatives [of the State of Delaware in General Assembly met] :

That Wilbur H. Burnite be appointed to the office of State Treasurer.

Appointment of State Treasurer.

Adopted at Dover, January 17, 1893.

RESOLUTIONS.

CHAPTER 800.

Joint Resolution authorizing the payment of \$129.31 to the Secretary of State.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

State Treas-
urer author-
ized to pay
David T.
Marvel,
Secretary of
State, \$129.
39.

That the sum of one hundred and twenty-nine dollars and thirty-one cents is hereby appropriated and made payable to David T. Marvel, Secretary of State, in payment of balance due him as shown by settlement with committee appointed to settle with him, and that the State Treasurer is hereby authorized to pay said sum.

Adopted at Dover, January 18, 1893.

CHAPTER 801.

Joint Resolution in relation to proposed Constitutional Convention.

Preamble.

WHEREAS an act of the General Assembly entitled "An act to provide for the holding of a special election for the purpose of ascertaining the sense of the people in respect to calling a Constitutional Convention," passed at Dover, March 31, 1891, provides, in Section 6 of said act, that if upon the counting of all the votes that shall have been given respectively for a convention and against a convention in all the counties of the State by the General Assembly in joint session in the Hall of the House of Representatives, on the second Wednesday after its organization, at the next session thereof after the special election provided for in said act, it shall appear that a majority of all the citizens in the State having a right to vote for representatives have voted at said special election "For a Convention," the General Assembly shall accordingly at its said next session after said election make provision by appropriate legislation for the calling and election of a convention; therefore

RESOLUTIONS.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That a committee of one on the part of the Senate, and two on the part of the House of Representatives, be appointed to ascertain whether a majority of all the citizens having a right to vote as aforesaid, as declared by the Constitution of this State, and by said Section 6 of said act of the General Assembly, have voted for or against a convention, and to report to the two houses of the General Assembly.

Committee
to ascertain
the vote for
or against a
convention.

Adopted at Dover, January 19, 1893.

CHAPTER 802.

Joint Resolution in relation to the Resignation of the Chief-Justice and the Associate Judge resident in Kent County.

WHEREAS the Honorable Joseph P. Comegys, Chief-Justice of the State of Delaware, and the Honorable John W. Houston, Associate Judge resident in Kent county, after long and distinguished judicial service have become disabled from discharging the duties of their respective offices satisfactorily to themselves;

Preamble.

AND WHEREAS by reason of such service rendered by them as aforesaid it is deemed just and proper that a reasonable appropriation be allowed them in case of retirement from their said offices; therefore

Further
preamble.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That upon condition that the Honorable Joseph P. Comegys, Chief-Justice of this State, and the Honorable John W. Houston, Associate Judge resident in Kent county, in this State, shall, within fifteen days after the adoption hereof, severally resign their said offices, then that they shall severally be entitled to receive during their natural lives respec-

RESOLUTIONS.

Two thousand dollars annually appropriated to Chief Justice Comegys and Associate Judge Houston conditioned upon their resigning.

tively the annual sum of two thousand dollars, to be paid by the State Treasurer in quarterly payments out of any money belonging to this State not otherwise appropriated; but in case one only of said judges shall resign within the time aforesaid, then such one so resigning shall alone be entitled to receive the said sum for and during his life, to be paid in manner aforesaid.

Governor to report to General Assembly.

Resolved further, That upon any such resignation being received by the Governor of this State he is hereby requested immediately to communicate information of the same to this General Assembly.

Copy of these resolutions to be sent to Chief Justice and Associate Judge respectively.

Resolved further, That a copy of the foregoing resolutions, duly signed by the Speaker of the Senate and House of Representatives respectively, be immediately transmitted by the Clerk of the House of Representatives to the said Chief-Justice and the said Associate Judge resident of Kent county, and to the Governor.

Adopted at Dover, January 19, 1893.

CHAPTER 803.

Joint Resolution appropriating \$800 to the Contingent Expenses of Secretary of State.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

The sum of \$800 appropriated to defray the contingent expenses of Secretary of State.

That the sum of eight hundred dollars be and the same is hereby appropriated and made payable to David T. Marvel, Secretary of State, to defray the contingent expenses of his office for the present and ensuing year, and that he is required to present his accounts and vouchers to the General Assembly of this State at its next session for settlement.

Adopted at Dover, January, 1893.*

* Date of passage of this resolution not given. It is marked, "Examined and found correct Jan. 19, 1893," by the chairmen of enrolling committees.

RESOLUTIONS.

CHAPTER 804.

Joint Resolution in relation to the Defense of certain State Officers.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the Governor may, in his discretion, employ counsel to defend any person or persons who, at or prior to the last general election served as election or registration officers, now under indictment, or who may hereafter be indicted in the District Court of the United for the District of Delaware, charged with interfering with United States marshals or supervisors, or with the violation of any election law of the United States; and he is hereby authorized and empowered to draw upon the State Treasurer for a reasonable compensation for any service rendered under his direction.

Governor
authorized
to employ
counsel to
defend State
election officers
in U. S.
Courts.

Adopted at Dover, January 20, 1893.

CHAPTER 805.

Joint Resolution in relation to Adjournment.

Be it resolved by the Senate and House of Representatives [of the State of Delaware] in General Assembly met:

That when the two Houses adjourn to-day it be to meet on Monday, 23d inst., at 10 o'clock, a. m.

Adjourn-
ment.

Adopted at Dover, January 20, 1893.

RESOLUTIONS.

CHAPTER 806.

A Joint Resolution in regard to that portion of the Governor's Message relating to the World's Fair.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Part of Governor's message relating to World's Fair referred to joint committee.

That that part of the Governor's message relating to the World's Fair be and the same is hereby referred to a joint committee, consisting of the Committee on Appropriations on part of the House, and the Committee on Finance on part of the Senate, with power to formulate such an act or resolution as in their judgment is necessary and proper.

Meeting of joint committee.

Be it further resolved, That the said joint committee shall meet in the House of Representatives on Tuesday, Jan. 31st, next, at eight o'clock, p. m., and that the members of the two Houses and the Board of World's Fair Managers be requested to attend said meeting.

Adopted at Dover, January 24, 1893.

CHAPTER 807.

Joint Resolution in relation to the Delay in Connecting the Waters of Rehoboth Bay with the Waters of Delaware Bay.

Appointment of committee to wait upon Gen Smith in reference to delay in constructing canal between Rehoboth Bay and Delaware Bay.

Resolved by the House of Representatives of the State of Delaware, with the concurrence of the Senate, That a joint committee of three on the part of the House and two on the part of the Senate be appointed to wait upon General Wm. F. Smith, civil engineer for this district of the Federal Government, and ascertain, if possible, the cause of the delay in connecting the waters of Rehoboth bay by canal with Delaware bay, and report to this General Assembly the result of their interview.

Adopted at Dover, January 24, 1893.

RESOLUTIONS.

CHAPTER 808.

A Joint Resolution in relation to the Adjutant General's Report.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the Adjutant General be, and he is hereby authorized and directed to have printed under the direction of the committee on printing of the Senate and of the House of Representatives, five hundred copies of his report to the Governor, the same for the use of the two houses and the Adjutant General's office.

Adjutant General authorized to have printed 500 copies of his report to the Governor.

Adopted at Dover, January 25, 1893.

CHAPTER 809.

Joint Resolution in relation to the Publication of Equity Reports.

WHEREAS in accordance with Chapter 223, Volume 14, Preamble. Laws of Delaware, being a joint resolution authorizing the publication of the reports of the Chancellor; the Chancellors of this State have collected, reported, and from time to time published certain equity cases as therein provided;

AND WHEREAS Willard Saulsbury, late Chancellor of this State, died leaving certain cases determined by himself unpublished, but the manuscript of some of such cases in the hands of the printer with whom a contract for the printing thereof had been made, and the manuscript of other cases in the hands of Willard Saulsbury, jr., his administrator, which said cases are altogether about sufficient to complete an additional volume of Chancery Reports; therefore

Further preamble.

RESOLUTIONS.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That Willard Saulsbury, jr., be and he is hereby authorized and requested to prepare for publication and publish the cases in equity determined by the said Willard Saulsbury, as Chancellor, upon the same terms and subject to the requirements of the said resolution, passed at Dover, March 29, 1871, except as to the number of pages to be contained in any volume as to which the cases now in manuscript, and such other cases as the said Willard Saulsbury, jr., may in his discretion publish therewith, shall be taken and considered to be sufficient for one volume; and as to the selection of the cases to be published the said Willard Saulsbury, jr., shall exercise his discretion, and for such service shall receive the sum of two hundred dollars, and shall be paid for the volumes deposited for the use of the State the same amount as is provided by said resolution authorizing the publication of equity reports.

Willard
Saulsbury,
jr., author-
ized to pub-
lish equity
cases deter-
mined by
Willard
Saulsbury,
late chancel-
lor.

Terms and
require-
ments.

Compensa-
tion.

Adopted at Dover, February 1, 1893.

CHAPTER 810.

Joint Resolution to pay James A. Clifton one hundred and forty-nine dollars for repairs to furniture of State House.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Payment to
James A.
Clifton of
\$149 for re-
pairs to
furniture of
State House

That the Speakers of the respective bodies be and are hereby authorized and directed to draw an order on the State Treasurer in favor of James A. Clifton for the sum of one hundred and forty-nine dollars for repairing the furniture of the State House during the last two years.

Adopted at Dover, Feb. 1, 1893.

RESOLUTIONS.

CHAPTER 811.

Joint Resolution respecting Persons Interested in Railroad Bills.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the friends of the different railway bills pending before the General Assembly, and those opposing the passage of the same, be invited to meet before a committee of the whole of both Houses on Wednesday evening, February 8, 1893, at 8 o'clock, p. m., in the hall of the House of Representatives, to openly discuss the merits or demerits of the respective bills.

Meeting of
advocates of
Railway
bills.

Time and
place.

Adopted at Dover, February 1, 1893.

CHAPTER 812.

Joint Resolution to pay David T. Marvel, late Secretary of State, Four Hundred Dollars, for services rendered as prescribed in Chapter 370, Volume 19, Laws of Delaware.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the Speakers of the respective bodies be and are hereby authorized and directed to draw an order on the State Treasurer in favor of David T. Marvel, late Secretary of State, for the sum of four hundred dollars for services in relation to registration and election laws, as prescribed in Chapter 370, Volume 19, Laws of Delaware.

Payment to
David T.
Marvel, Sec-
retary of
State, of
\$400 for ser-
vices on
Election
Laws by au-
thority of
Chap 370,
Vol. 19.

Adopted at Dover, February 1, 1893.

RESOLUTIONS.

CHAPTER 813.

Joint Resolution directing James H. Hughes and Robert H. Van Dyke to have published the Revised Code which was prepared under the direction of the late Secretary of State.

Preamble. WHEREAS by a joint resolution of the General Assembly of the State of Delaware, being Chapter 346 of Volume 19 of the Laws of Delaware, entitled "Joint Resolution relative to the publication of the Revised Code, as amended, with additional laws," passed at Dover, April 9, 1891, the Secretary of State was authorized to have prepared and published an edition of the laws of this State, consisting of the laws of the Revised Code of said State as they have since been amended, together with such additional laws of a public and general nature as have been enacted since the publication of said code;

Further preamble. AND WHEREAS David T. Marvel, Esq., then Secretary of State, did employ James H. Hughes and Robert H. Van Dyke to assist in the preparation of said Revised Code as provided in said resolution;

Further preamble. AND WHEREAS the said David T. Marvel, late Secretary of State, with the assistance of James H. Hughes and Robert H. Van Dyke, has completed the said revision and it is now ready for publication;

Further preamble. AND WHEREAS the said David T. Marvel has been appointed Associate Judge of the Superior Court of this State; therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

James H. Hughes and Robert H. Van Dyke authorized to complete the revision of the Revised Code. That the said James H. Hughes and Robert H. Van Dyke shall and they are hereby authorized to complete and publish the said revision of the laws of this State in the same manner as the said Secretary of State by the aforesaid resolution was authorized to do.

Adopted at Dover, February 1, 1893.

RESOLUTIONS.

CHAPTER 814.

Joint Resolution appointing a Joint Committee to prepare appropriate resolutions upon the death of Joseph P. Comegys.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That a joint committee, consisting of two on the part of the Senate, and three on the part of the House of Representatives, be appointed to prepare appropriate resolutions upon the death of the late Chief Justice, Joseph P. Comegys.

Appoint-
ment of
joint com-
mittee to
prepare reso-
lutions upon
the death of
the late
Chief Jus-
tice J. P.
Comegys.

Adopted at Dover, February 2, 1893.

CHAPTER 815.

Joint Resolutions in Relation to the Death of Joseph P. Comegys.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That this General Assembly has heard with profound sorrow of the death of the Honorable Joseph P. Comegys, twice a Representative in the General Assembly, a Senator in Congress from this State, and for seventeen years Chief Justice of Delaware.

Resolutions
in respect
to the mem-
ory of Hon.
Joseph P.
Comegys,
late Chief
Justice.

Resolved, That by his death we have lost an eminent and honored citizen, whose devotion to his State and country has been conspicuous throughout his long and useful life.

Resolved, That as a mark of respect to his memory the members of this General Assembly will attend his funeral in a body.

Resolved, That as a further mark of respect, the two Houses of the General Assembly do adjourn from Thursday, February 2, until Monday morning, February 6, at 11 o'clock.

RESOLUTIONS.

Resolved, That the two Houses convene in joint session in the Hall of the House of Representatives at half-past twelve o'clock, and from there proceed in a body to the funeral.

Adopted at Dover, February 2, 1893.

CHAPTER 816.

Joint Resolution in relation to State Treasurer's Office.

Preamble. WHEREAS the Treasury Department of this State has been for the first time located by the present State Treasurer in the capitol building;

Further preamble. AND WHEREAS the duties and requirements of this department have been largely increased by recent enactments;

Further preamble. AND WHEREAS the present office set apart for the use of the State Treasurer is too small for the needs of said office; therefore

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Appointment of committee to consider making changes in offices of capitol building. That a committee of five, two on the part of the Senate and three on the part of the House of Representatives, be appointed to consider the advisability of making such changes or alterations in the offices of the capitol building as will secure to the Treasury Department more suitable quarters; said committee to report by bill or otherwise.

Adopted at Dover, February 6, 1893.

RESOLUTIONS.

CHAPTER 817.

Joint Resolution in relation to New Business.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That no new business be received in either house after Wednesday, March 15th, and the introduction of bills of which notice has been given shall be construed to be new business; *provided*, however, that any commission or committee to whom a public question has been referred by the Legislature, or either House thereof, shall not be debarred from reporting by bill or otherwise after this date.

No new
business to
be received
after March
15th.

Proviso.

Adopted at Dover, February 7, 1893.

CHAPTER 818.

Joint Resolution in relation to attending the Inauguration of the President Elect.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That a joint committee of two on the part of the Senate and three on the part of the House be appointed to take into consideration the propriety of attending the inauguration of the President-elect of the United States, at Washington, on March 4th, 1893, and to make suitable arrangements therefor.

Appoint-
ment of
committee
to arrange
for attending
inaugura-
tion of the
President
elect.

Adopted at Dover, February 7, 1893.

RESOLUTIONS.

CHAPTER 819.

Joint Resolution appointing a Committee to make Biennial Settlement with the State Librarian.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Joint committee to settle with the State Librarian.

That a joint committee, consisting of two on the part of the Senate and three on the part of the House, be appointed to make biennial settlement with the State Librarian, as required by law.

Adopted at Dover, February 9, 1893.

CHAPTER 820.

Joint Resolution in relation to the Publication of the New Revised Code.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Reference of the report of James H. Hughes and Robert H. Van Dyke to a joint committee.

That the report of James H. Hughes and Robert H. Van Dyke, submitting their manuscript of the new edition of the Revised Code, be referred to a joint committee, consisting of the committees on Revised Statutes of the two Houses, with power to report by bill or otherwise.

Adopted at Dover, February 9, 1893.

RESOLUTIONS.

CHAPTER 821.

Joint Resolution relating to Couplers and Brakes on Freight Cars.

WHEREAS from the last published statistics of the railways Preamble.
in the United States, being for the three years ending on
the thirtieth (30) of June in the year 1890, it appears that six
thousand four hundred and ninety-three (6,493) employes
were killed, and sixty-two thousand five hundred and sev-
enty (62,570) injured in the train service, (practically all
these accidents can be avoided by the adoption of uniform
automatic couplers for freight cars);

AND WHEREAS it has been shown that twenty-three per Preamble.
cent. (23%) of all these accidents would be avoided by the
adoption of the train brake on freight cars;

AND WHEREAS the regulation of couplers and of train Preamble.
brakes upon freight cars is of pressing importance, and is
within the proper scope of the powers of the Congress of the
United States, while action by the individual states on these
subjects has produced and must continue to produce conflict-
ing and unsatisfactory results;

AND WHEREAS at the convention of railroad commission- Preamble.
ers, lately held in Washington, at the Interstate Commerce
Commission rooms, a resolution was unanimously passed
calculated to insure and hasten the adoption of uniform au-
tomatic couplers and train brakes upon freight cars, and of
driving-wheel brakes on engines;

AND WHEREAS the President of the United States has Preamble.
recommended to Congress in two messages the necessity of
such measures being taken by the federal government,

Resolved, That the Senate and House of Assembly of Congress
requested to
take speedy
action with
reference to
safe and
effective
couplers on
freight cars.
the State of Delaware, approving of the action of these
commissioners, do most respectfully and earnestly urge upon
Congress the consideration of the foregoing subjects, to the
end that the consummation which all desire may be reached
with the utmost reasonable speed, and especially do we urge
upon our representatives in Congress to join energetically in
promoting wise, speedy and effective action.

Adopted at Dover, February 14, 1893.

RESOLUTIONS.

CHAPTER 822.

Joint Resolution authorizing Wilbur H. Burnite, State Treasurer, to pay James Kirk & Son Six Hundred Dollars for Printing and Material furnished upon the order of John P. Dulaney, Auditor of Accounts; Wilbur H. Burnite, State Treasurer; John R. Nicholson, Attorney-General, and C. C. Tindall, Sup. Free Schools of Kent County.

Resolved by [the] Senate and House of Representatives of the State of Delaware in General Assembly met :

State Treas-
urer author-
ized to pay
James Kirk
and Son,
\$600.

That the State Treasurer be and he is hereby directed to pay to James Kirk & Son the sum of six hundred dollars for printing and material furnished the Auditor of Accounts, State Treasurer, Attorney-General and Superintendent of Free Schools of Kent county.

Adopted at Dover, February 14, 1893.

CHAPTER 823.

Joint Resolution to Visit Farnhurst.

Resolved by the Senate and House of Representatives of the State of Delaware [in General Assembly met] :

Acceptance
by General
Assembly
of the invita-
tion to visit
Delaware
State
Hospital.

That the General Assembly accept the invitation of the board of trustees of the Delaware State Hospital for the Insane to visit that institution on Monday, February 20th instant, at 11 o'clock a. m.

Adopted at Dover, February 15, 1893.

RESOLUTIONS.

CHAPTER 824.

Joint Resolution appointing a Joint Committee, of two on the part of the Senate and three on the part of the House, to settle with the Governor for the Distribution of Direct Tax appropriated by the act of Congress, approved March 2, 1891.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That a joint committee of two on the part of the Senate and three on the part of the House be appointed to settle with the Governor for the distribution of the direct tax appropriated by the act of Congress, approved March 2, 1891, entitled "An act to credit and pay to the several States and Territories and District of Columbia all moneys collected under the direct tax levied by the act of Congress, approved August 5, 1861."

Joint committee to settle with the Governor for the distribution of the "direct tax"

Adopted at Dover, February 15, 1893.

CHAPTER 825.

Joint Resolution in relation to Adjournment.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That when the two houses adjourn it be to meet again on Tuesday, February the 21st, 1893, at 10 o'clock, a. m.

Adjournment.

Adopted at Dover, February 17, 1893.

RESOLUTIONS.

CHAPTER 826.

Joint Resolution to pay H. L. Hynson Two Hundred Dollars for Claims presented to the General Assembly April 22, 1891, and not having been paid.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

State Treasurer directed to pay H. L. Hynson, \$200.

That the State Treasurer be and is hereby directed to pay H. L. Hynson two hundred dollars for claims presented to the General Assembly, April 22, 1891, and not having been paid.

Adopted at Dover, February 28, 1893.

CHAPTER 827.

Joint Resolution to pay Nathaniel Williams, John S. Herrington and Jeremiah Long One Hundred and Ten 82-100 Dollars, for services rendered as Canal Commissioners, in compliance with Chapter 139, Volume 18, Laws of Delaware.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

State Treasurer authorized to pay canal commissioners for services.

That the State Treasurer be and is hereby authorized and directed to pay Nathaniel Williams, fifty seven 84-100 dollars, John S. Herrington twenty-five 20-100 dollars, and Jeremiah Long twenty-seven 78-100 dollars for services as canal commissioners, in compliance with Chapter 139, Volume 18, Laws of Delaware, the same to be paid out of the unexpended balance appropriated in Chapter 139, Volume 18, and Chapter 616, Volume 18, Laws of Delaware.

Adopted at Dover, March 1, 1893.

RESOLUTIONS.

CHAPTER 828.

Joint Resolution in relation to the Chief Justice.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That both Houses attend in a body the funeral of the late Chief Justice, Alfred P. Robinson, at Georgetown, at 1 o'clock, p. m., Friday, March 3d, inst.

Funeral of
the late
Chief Justice
Alfred P.
Robinson.

Adopted at Dover, March 1, 1893.

CHAPTER 829.

Joint Resolution in relation to the Death of Honorable A. P. Robinson,
late Chief-Justice.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That a joint committge, consisting of two on the part of the Senate and three on the part of the House, be appointed to prepare appropriate resolutions upon the death of the late Chief Justice, Alfred P. Robinson.

Joint com-
mittee to
prepare res-
olutions
upon the
death of
Alfred P.
Robinson,
late Chief
Justice.

Adopted at Dover, March 1, 1893.

RESOLUTIONS.

CHAPTER 830.

Joint Resolution in relation to Furnishing the State Library with
Revised Codes.

*Be it resolved by the Senate and House of Representatives
of the State of Delaware in General Assembly met:*

Prothono-
tary of Kent
County au-
thorized to
furnish
Revised
Codes to
State
Librarian.

That the Prothonotary of Kent county be and is hereby
authorized and directed to furnish to the State Librarian,
upon his requisition, such numbers of copies of the Revised
Code from time to time as may be necessary for the use of
the State Library.

Adopted at Dover, March 1, 1893.

CHAPTER 831.

Joint Resolution in relation to the Distribution of the Revised Code.

*Resolved by the Senate and House of Representatives of
the State of Delaware in General Assembly met:*

Prothono-
taries to
furnish
Revised
Codes to
members of
the Levy
Courts.

That hereafter the prothonotaries for the several counties
shall provide each member of the levy courts of the several
counties, at the first session of the courts that the aforesaid
members shall appear, with a copy of the Revised Code of
this State.

Prothono-
taries allow-
ance for
Revised
Codes dis-
tributed.

And be it further resolved, That the aforesaid prothono-
taries shall be allowed the price of the copies of the Revised
Code, so distributed, in their settlements with the State Treas-
urer.

Adopted at Dover, March 1, 1893.

RESOLUTIONS.

CHAPTER 832.

Joint Resolution in relation to Adjournment.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That when the two houses adjourn to-day (Thursday, March 2,) it be to meet on Tuesday next, March 7, at 10.30^{ment.} a. m.

Adopted at Dover, March 2, 1893.

CHAPTER 833.

Joint Resolution authorizing the State Treasurer to pay certain State Constables.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the State Treasurer be and he is hereby directed to pay unto the State officials on duty at the last general election, known as special constables, and commissioned by the Governor, the amounts shown to be due to them respectively by the vouchers certified to by the Secretary of State and by the chief of constables having them in charge at said election, the said vouchers having been examined and approved by the levy court of New Castle county and a register of which is now on file in the office of the Secretary of State.

State Treasurer authorized to pay State Constables.

Vouchers to be certified.

Adopted at Dover, March 8, 1893.

RESOLUTIONS.

CHAPTER 834.

Joint Resolution in relation to paying the Delaware Society for the Prevention of Cruelty to Children \$600.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

State Treas-
urer directed
to pay treas-
urer of
Delaware
S. P. C. C.
\$600.

That the State Treasurer be and he is hereby directed to pay unto the treasurer of the Delaware Society for the Prevention of Cruelty to Children, in aid of the objects of said society, the sum of six hundred dollars.

Adopted at Dover, March 8, 1893.

CHAPTER 835.

Joint Resolution appointing Commissioners to Run and Mark the Division Line between the Counties of Kent and Sussex.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Commis-
sioners ap-
pointed to
run and
mark divi-
sion line
between
counties of
Kent and
Sussex.

Surveyor.

Marking of
lines.

Return to
General
Assembly.

That Andrew Lord and Thomas Curry of Sussex county, and Nicholas R. Johnson and Charles J. Harrington of Kent county, be and they are hereby appointed commissioners to run and mark the division line between the counties of Kent and Sussex from a fork in the Mispillion creek at the junction of the Tan-trough branch and Beaver-dam branch to the line dividing the State of Maryland and Delaware; and that William A. Atkinson be surveyor to assist said commissioners. That the said commissioners shall procure and cause suitable stones to be set on said line at such distance apart as shall be deemed necessary and proper and make returns of their proceedings to the next Grand Assembly, together with a plot showing the courses and distances of said line and location of the stones by them established, and that upon the approval by the General Assembly of the return of said

RESOLUTIONS.

commissioners the said return and plot shall be recorded in each of the counties of Kent and Sussex, and the original thereof filed in the office of the Secretary of State. That thereupon the line so established shall be and become the line between the said counties, and the record of said return and plot shall be received in evidence in all questions in which the line between the said counties may arise. The said commissioners and surveyor shall receive such compensation as the General Assembly may determine and allow, but the laborers employed by said commissioners and the cost and expenses incurred in securing stones for marking said line, and the getting of the same, shall be paid by the State Treasurer upon the orders of the said commissioners out of any money in his hands not otherwise appropriated.

Return to be recorded.
Original; where to be filed.
Compensation of commissioners and surveyor.
Other expenses; how payable.

Adopted at Dover, March 9, 1893.

CHAPTER 836.

Joint Resolution appointing a Joint Committee of two on the part of the Senate and three on the part of the House of Representatives to Settle with the State Treasurer, Auditor of Accounts, Secretary of State, and Clerks of the Senate and House of Representatives.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That a joint committee of five be appointed on the part of the General Assembly, to consist of the following: two members of the Senate, Messrs. Records and Watson, and three members of the House of Representatives, Messrs. Cooch, Harrington and Dasey, whose duty it shall be to meet at Dover, on the third Tuesday in January, A. D. 1894, for the purpose of settling the accounts of the State Treasurer, and of receiving the report of the Auditor of Accounts for the current year.

Committee to settle accounts of certain State officers.

Resolved, That it shall be the duty of the said committee, after their settlement with the State Treasurer as aforesaid, to cause a statement of such settlement, under their

Publication of report.

RESOLUTIONS.

hands, or the hands of a majority of them, to be published in two (2) newspapers printed in the State for the period of one month from the time of effecting the same.

Resolved, That said committee shall have full power and authority to audit the accounts of the Clerk of the Senate and of the Clerk of the House of Representatives for superintending the printing of the journals of the houses of the legislature during the present session and for making indexes thereto; also, the accounts of the Secretary of State for superintending the printing of the acts of the present session, and for indexing the same, and make such allowance for said services as they may think just and proper, which said allowances shall be paid by the State Treasurer upon orders drawn by the chairman of the said committee in favor of said clerks and said Secretary of State respectively.

To settle with the clerks of the General Assembly and with the Secretary of State.

Chairman to draw on State Treasurer in favor of the clerks and of the Secretary of State.

Compensation of members of the committee.

Other expenses; how to be paid.

Resolved, That the said committee shall receive the same compensation as is allowed by law to the members of the General Assembly, to be paid by the State Treasurer, upon orders drawn by the chairman of said committee, out of any money in the hands of the State Treasurer not otherwise appropriated, and the chairman of said committee shall have authority to draw orders for the incidental expenses arising out of the session of said committee, to be paid in like manner.

Adopted at Dover, March 9, 1893.

CHAPTER 837.

Joint Resolution appointing a Committee to Settle with ex-Attorney-General John Biggs.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That a joint committee, consisting of two on the part of [the] Senate and three on the part of the House, be appointed to make settlement with ex-Attorney General John Biggs.

Committee to settle with Ex-Attorney General John Biggs.

Adopted at Dover, March 15, 1893.

RESOLUTIONS.

CHAPTER 838.

Joint Resolution relating to the Indigent Blind, Deaf, Dumb and Idiotic.

WHEREAS the laws of this State provide for the maintenance and instruction of the indigent blind, and the indigent deaf and dumb, and the idiotic children of this State in institutions outside of the State; Preamble.

AND WHEREAS under and by virtue of this authority there are in four different institutions beneficiaries of the State; Preamble.

AND WHEREAS it is deemed proper that some one should be specially designated to look after the welfare of the beneficiaries, to ascertain as to whether or not they are receiving proper treatment and instruction and are making such improvement or advancement as will justify the State in incurring the necessary expense attached to their remaining in such institutions; therefore, Preamble.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the president of the board of trustees of the State Hospital at Farnhurst be and he is hereby authorized, and it is hereby made his duty, to visit such institutions in which our indigent are instructed, during the months of April and October in each and every year, and make a detailed report in writing annually to the Governor. The said officer shall receive for his services and expenses the sum of one hundred dollars annually, to be paid on the warrant of the Governor drawn on the Trustee of the School Fund. President of Board of Trustees of State Hospital authorized to visit institutions containing State indigents Report. Compensation.

Adopted at Dover, March 16, 1893.

RESOLUTIONS.

CHAPTER 839.

Joint Resolution appointing Directors on the part of the State for the Farmers' Bank of the State of Delaware.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Appoint-
ment of Di-
rectors of
the Farm-
er's Bank of
the State of
Delaware
and for its
branches.

That the following named persons be and they are hereby appointed directors of the Farmers' Bank of the State of Delaware and its branches, on the part of the State, agreeably to the act of the General Assembly in such case made and provided: For the principal bank at Dover, John W. Casson, George H. Gildersleve and Peter K. Meredith. For the branch at Wilmington, Chas. E. Dubell, James Bradford and Henry C. Conrad. For the branch at New Castle, David Boulden, Albert H. Silver, David W. Elkinton. For the branch at Georgetown, William B. Tomlinson, S. Harrington Messick, Chas. W. McFee.

Adopted at Dover, March 16, 1893.

CHAPTER 840.

Joint Resolution in relation to the Delaware Society for the Prevention of Cruelty to Animals.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

State Treas-
urer directed
to pay to
Delaware S.
P. C. A.
\$250.

That the State Treasurer be and he is hereby directed to pay unto the treasurer of the Delaware Society for the Prevention of Cruelty to Animals, in aid of the objects of said society, the sum of two hundred and fifty dollars.

Adopted at Dover, March 21, 1893.

RESOLUTIONS.

CHAPTER 841.

Joint Resolution in relation to Diverting certain Funds now in the hands of the State Treasurer.

WHEREAS it appears from the report of the State Treasurer Preamble. that the amount of money to the credit of the general fund is at present not sufficient to meet the demands made upon the treasury;

AND WHEREAS there is now to the credit of the school Preamble. fund a large sum of money which will be unused for some time; therefore,

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That the State Treasurer be authorized to take from the school fund, for state purposes, in anticipation of revenue, the sum of thirty thousand dollars (\$30,000.00), or much as may be needed thereof, the same to be replaced on or before the first day of August next. State Treasurer authorized to take temporarily from the school funds \$30,000.

Adopted at Dover, March 21, 1893.

CHAPTER 842.

Joint Resolution in relation to the appointment of a Committee to Settle with the Insurance Commissioner of the State.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That a committee of two on the part of the House and one on the part of the Senate be appointed to settle with the Insurance Commissioner of the State of Delaware. Committee to settle with Insurance Commissioner.

Adopted at Dover, March 21, 1893.

RESOLUTIONS.

CHAPTER 843.

Joint Resolution in relation to the Unpublished Law Reports.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Robert G. Houston and Robert H. Van Dyke authorized to publish law reports left unpublished by associate Judge John W. Houston
Distribution; payment for.

Publication of criminal cases.

Compensation.

That Robert G. Houston and Robert H. Van Dyke be and they are hereby authorized and requested to prepare for publication and to publish the decisions of the law courts of this State decided subsequent to those contained in the sixth volume of Houston's Reports and prior to the retirement of Hon. John W. Houston as Associate Judge of the Superior Court of this State; and that the law applicable to the distribution of the law reports of this State and the payment for the same by the State Treasurer on warrant duly drawn shall apply to the publications authorized by this resolution. That the said Robert G. Houston and Robert H. Van Dyke, in their discretion, may publish the criminal cases in the same volumes with the civil cases or separately; and for their services rendered in the preparation of the aforesaid reports shall together receive the sum of two hundred dollars for each volume, of the usual size, so published, to be paid by the State Treasurer at the same time and on a similar warrant as that for the payment for the reports aforesaid.

Adopted at Dover, March 22, 1893.

RESOLUTIONS.

CHAPTER 844.

Joint Resolution respecting the Interest due the State from the "Trustees of Troop B Association," of Wilmington, Delaware.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That Wilbur H. Burnite, State Treasurer, be and he is hereby authorized, empowered and directed to make a demand of the "Trustees of Troop B Association," of Wilmington, Delaware, for the payment of all arrears of interest due from said association to the State of Delaware on a loan on bond and mortgage made by the State to said association in pursuance of the act of the General Assembly passed at Dover, May 14th, 1891, entitled "An Act for the relief of 'The Trustees of Troop B Association,'" of Wilmington, Delaware, and if said arrears of interest due the State shall not be paid to the said State Treasurer within the space of sixty days from and after the passage of this joint resolution then he, the said State Treasurer, shall be and he is hereby authorized, empowered and directed to make foreclosure of the said mortgage as early as possible and collect all moneys due on the same, including principal, interest and costs on said bond and mortgage, and cause the same to be entered satisfied of record.

Wilbur H. Burnite, State Treasurer, authorized to collect the amount due the State by the "Trustees of Troop B Association" of Wilmington, Del.

Adopted at Dover, March 22, 1893.

RESOLUTIONS.

CHAPTER 845.

Joint Resolution in relation to the Death of the late ex-U. S. Senator
Eli Saulsbury.

*Resolved by the Senate and House of Representatives [of
the State of Delaware] in General Assembly met:*

Committee
to take
action on
death of ex-
U. S. Sena-
tor Eli
Saulsbury.

That a committee of two on the part of the Senate, and
three on the part of the House, be appointed to take some
suitable action in regard to the death of the late ex-U. S.
Senator Eli Saulsbury.

Adopted at Dover, March 23, 1893.

CHAPTER 846.

Joint Resolution authorizing the Correction of Title of House Bill 163,
when published, by the Secretary of State.

*Be it resolved by the Senate and House of Representatives
of the State of Delaware in General Assembly met:*

Secretary of
State direct-
ed to change
the title of
House Bill
No. 163.

That the Secretary of State be and he is hereby directed,
in his official publication of the laws of the present session,
to change the title of House Bill No. 163 so that the same
shall be as follows: "An act to amend Chapter 242, Vol. 19,
Laws of Delaware, entitled 'An act to provide for the light-
ing of Middletown.'"

Adopted at Dover, March 28, 1893.

RESOLUTIONS.

CHAPTER 847.

Joint Resolution appointing a Joint Committee to Settle with the Attorney-General.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That a joint committee consisting of one on the part of the Senate, and two on the part of the House, be appointed to settle with the Attorney-General.

Committee to settle with the Attorney General.

Adopted at Dover, March 29, 1893.

CHAPTER 848.

Joint Resolution in relation to the Purchase of Stationery.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the State Librarian be and is hereby directed to purchase all stationery and other requisites for the use of the Senate and House of Representatives. He shall advertise in one paper in each county for bids for furnishing said stationery and requisites, and shall be allowed for said advertising the sum of fifteen dollars, or five dollars for each county. The said librarian shall advertise for said stationery and requisites at least six months before the organization of the next legislature, and shall state in said advertisement the kind and quality of each article wanted, and shall award the contract to the lowest bidder.

State Librarian directed to purchase stationery for General Assembly.

Shall advertise for bids.

Said librarian shall, at the beginning of the next legislature, present to said legislature an itemized bill of all articles purchased, with the original bill of the successful bidder, and all original unsuccessful bids.

Statement to be presented to next Legislature.

Adopted at Dover, March 30, 1893.

RESOLUTIONS.

CHAPTER 849.

Joint Resolution appointing a Joint Committee to recommend what action should be taken by the General Assembly as a Mark of Respect to the Memory of the late Minos Conoway.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Committee
to take
action on
the death of
Minos Con-
oway.

That a joint committee, consisting of three on the part of the House and two on the part of the Senate, be appointed to recommend to the General Assembly appropriate action upon the death of Minos Conoway, late a representative from Kent county.

Adopted at Dover, March 30, 1893.

CHAPTER 850.

Joint Resolution authorizing the Secretary of State to Procure a New Press and Seal of Office.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Secretary of
State au-
thorized to
procure a
new seal of
office.

That the Secretary of State be and he is hereby authorized to procure for his office a new press and seal; said seal to be made of steel or brass, of the same diameter as the present seal and engraven with the same devices; and when completed, the said seal shall be taken, adjudged and deemed to be the seal of the Secretary of State, as provided by Section 3, Chapter 28, page 152 of the Revised Code.

Present seal
to be des-
troyed.

Resolved further, That when the said seal shall be so procured, as aforesaid, the said Secretary of State shall cause the present seal of the Secretary of State to be broken and destroyed in the presence of the Governor.

Adopted at Dover, March 30, 1893.

RESOLUTIONS.

CHAPTER 851.

Joint Resolution permitting the Introduction of a Bill entitled "An act providing for a Special Election to fill the Vacancy in the House of Representatives occasioned by the Death of Minos Conoway, late a Member from Kent County."

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the joint resolution entitled "Joint resolution in relation to new business," adopted at Dover, February 7, 1893, be and the same is hereby modified to the extent of permitting the introduction in the House of Representatives of a bill entitled "An act providing for a special election to fill the vacancy in the House of Representatives occasioned by the death of Minos Conoway, late a member from Kent county."

Permis-
sion granted
to introduce
a bill pro-
viding for a
special
election.

Adopted at Dover, April 3, 1893.

CHAPTER 852.

Joint Resolution authorizing the Payment of Tax Commissioners.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the State Treasurer be and he is hereby authorized to pay to William M. Canby, secretary of the tax commissioners, appointed by act of General Assembly, passed at Dover, May 16, 1891, the sum of twelve hundred dollars, to be by the said tax commission apportioned among the individual members thereof, they taking into consideration the services rendered by the individuals respectively.

State Treas-
urer au-
thorized to
pay tax
Commis-
sioners \$1,-
200 for ser-
vices ren-
dered.

Adopted at Dover, April 5, 1893.

RESOLUTIONS.

CHAPTER 853.

Joint Resolution in relation to the Publication of the Revised Code, as amended, together with the Additional Laws.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

James H. Hughes and Robert H. Van Dyke authorized to publish Revised Statutes of this State.

That James H. Hughes and Robert H. Van Dyke be and they are hereby authorized and directed to have printed and bound the edition of the laws of this State, consisting of the laws in the Revised Code as published in 1874 as they have since been amended, together with the additional laws of a public and general nature enacted since the publication of said code, which they have prepared for publication in obedience to the requirements of Chapter 346, Volume 19 of the Laws of Delaware and of a joint resolution of this General Assembly, adopted at Dover, February 1, 1893, incorporating the amendments and additional acts of a public and general nature enacted at the present session of the Legislature in said edition before publishing the same.

Contents of publication.

Proposals for printing.

Resolved, That the said James H. Hughes and Robert H. Van Dyke shall advertise in three issues of three newspapers published in this State for proposals for printing three thousand copies of the said edition of the laws, and shall accept the lowest and most advantageous proposal. When the same shall have been printed and approved they shall have bound two thousands copies thereof; and when the same are bound and accepted as satisfactorily done, they shall certify to the Governor the sum due for the said advertising, printing and binding, stating the price, pages and all items of charge. Upon the receipt of said certificate the Governor is hereby authorized to draw an order on the State Treasurer for the payment of the amounts due for said advertising, printing and binding.

Shall have bound 2000 copies; Certificate of costs.

Expenses of publication; payment of.

Distribution

Resolved, That the unbound copies shall be preserved for future use, and that the copies bound as hereinbefore provided shall be distributed as follows: One to the President of the United States; one to each department of the general government; two the Library of Congress; one to Delaware College; one to the Historical Society of Delaware; one to the executive of each of the United States; one to each

RESOLUTIONS.

judge of this State; one to each of the following officers in each county for the use of their respective offices, viz: register of wills, clerk of the Orphans' Court, prothonotary, sheriff, clerk of the peace, recorder of deeds, and one to each member of the present General Assembly; and the remainder shall be distributed among the respective counties as follows: Eight hundred to New Castle county, and the remainder equally between the other two counties, to be placed with the prothonotaries of the said counties to be sold by them at three dollars per copy, and the said prothonotaries, after deducting five per centum for their services, shall pay over the proceeds thereof to the State Treasurer quarterly.

Sale of by
prothono-
taries.

When all the said bound copies are disposed of, the said James H. Hughes and Robert H. Van Dyke shall cause the remaining copies printed and not bound, to be bound and distributed to the said prothonotaries in the same proportion, to be sold by them and returns of the sale of the same to be made as aforesaid. The expenses of said binding shall be paid as hereinbefore provided.

Binding of
additional
copies.

Payment of
expenses of
binding.

Resolved, That when the said edition of laws is printed, and the said two thousand copies are bound as aforesaid, the Governor be and he is hereby authorized to draw an order on the State Treasurer, payable to the said James H. Hughes and Robert H. Van Dyke, for the sum of twelve hundred and fifty dollars each, for their services in preparing, indexing and superintending the publication of said edition of the laws, and that the sum of twenty-five hundred dollars be and the same is hereby appropriated for that purpose out of any moneys in the treasury not otherwise appropriated.

Compensa-
tion of
James H.
Hughes and
Robert H.
Van Dyke.

Payment of.

Adopted at Dover, April 6, 1893.

RESOLUTIONS.

CHAPTER 854.

Joint Resolution permitting the Introduction of a Bill.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Permission
granted to
introduce a
certain bill.

That permission be and the same is hereby granted for the introduction in the House of Representatives of a bill entitled "A further supplement to an act entitled 'An act in relation to the collection of taxes in Kent and Sussex counties,' " passed at Dover, March 23, 1893.

Adopted at Dover, April 6, 1893.

CHAPTER 855.

Joint Resolution in relation to Adjournment.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Adjourn-
ment.

That when the two houses adjourn to-day (Thursday, April 6th) it be to meet on Monday next, April 10, at eleven o'clock a. m.

Adopted at Dover, April 6, 1893.

RESOLUTIONS.

CHAPTER 856.

Joint Resolution providing for the Purchase by the State of a certain number of copies of a Digest of the State Reports.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That upon the delivery to the Secretary of State of one hundred copies of the Digest of the Delaware Judicial Reports prepared by Henry Ridgely, jr., Esq., and now ready for publication, the Governor shall draw his warrant upon the State Treasurer for payment for the same at the rate per volume now provided for the purchase of the State reports, and that the Secretary of State shall distribute the said copies in like manner and for like purposes as is now provided by law for the distribution of the State reports.

Publication of digest of Delaware reports, by Henry Ridgely jr. Esq.
Governor to draw warrant for payment.
Manner of distribution.

Adopted at Dover, April 10, 1893.

CHAPTER 857.

Joint Resolution in relation to the Payment of certain Special Constables.

WHEREAS in the delivery of certificates to the special constables, commissioned to serve at the general election held in the city of Wilmington on the eighth day of November, A. D. 1892, there were sundry errors and omissions in the spelling and writing of names thereon, and

Preamble.

WHEREAS there are a number of men commissioned and served aforesaid who failed to received their certificates therefor, and are thereby prevented from receiving the compensation for their services to which they are entitled by law, therefore,

RESOLUTIONS.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

State Treasurer authorized to pay errors on certificate of Secretary of State and Chief Constable.

That the State Treasurer be and is hereby authorized to pay, upon the certification of the Secretary of State and chief constable, the amounts due the constables who were commissioned and who served as aforesaid, and who by reason of the errors stated aforesaid are hindered in receiving the amounts to which they are entitled.

Adopted at Dover, April 13, 1893.

CHAPTER 858.

Joint Resolution for the Relief of the Baltimore and Philadelphia Railroad Company.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Provisions of previous resolution continued in force for two years.

That the joint resolution concerning The Baltimore and Philadelphia Railroad Company, adopted at Dover, April 25, 1889, being Chapter 761, Vol. 18, Laws of Delaware, be and the same is hereby readopted and all the provisions thereof continued as a part of this resolution for the period of two years from the first day of April, A. D. 1893, during which time, viz: from the first day of April, A. D. 1893, to the first day of April, A. D. 1895, the State Treasurer is hereby authorized, empowered and directed to receive of and from The Baltimore and Philadelphia Railroad Company, in lieu of all State taxes, the sum of twenty-five thousand dollars (\$25,000) per annum in manner following, viz: The sum of twelve thousand five hundred dollars (\$12,500) thereof on the first day of October, A. D. 1893; the further sum of twelve thousand five hundred dollars (\$12,500) on the first day of April, A. D. 1894; the further sum of twelve thousand five hundred dollars (\$12,500) on the first day of October, A. D. 1894; and the further sum of twelve thousand five hundred dollars (\$12,500) on the first day of April, A. D. 1895.

State Treasurer authorized to accept \$25,000 annually in lieu of taxes

Manner of payment.

Adopted at Dover, April 18, 1893.

RESOLUTIONS.

CHAPTER 859.

Joint Resolution concerning the State College for Colored Students.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the State Treasurer be and he is hereby authorized and directed to pay to the order of the treasurer of the State College for colored students the sum of one thousand dollars, out of the school fund, to be used in the support and maintenance of said college, five hundred thereof to be paid on the first day of May, 1893, and the other on the first day of July, 1893.

State Treasurer authorized to pay \$1000 to State College for Colored Students. Manner of payment.

Adopted at Dover, April 26, 1893.

CHAPTER 860.

Joint Resolution in relation to the Publishing of Report of the State Board of Health.

Resolved by the Senate and House of Representatives of the State of Delaware [in General Assembly met]:

That the Secretary of State be and he is hereby authorized to have published two hundred and fifty copies of the report of the State Board of Health for the two years ending July 1st, 1892.

Secretary of State authorized to have printed 250 copies report of State Board of Health.

Adopted at Dover, May 2, 1893.

RESOLUTIONS.

CHAPTER 861.

Joint Resolution in relation to the Collection of Certain Claims, the collection of which was authorized by a joint resolution adopted May 15th, 1891, and being Chapter 366, Vol. 19, Pamphlet Laws of Delaware.

Preamble. WHEREAS the Honorable James L. Wolcott, by a joint resolution adopted May 15th, 1891, and being Chapter 366, Volume 19, pamphlet Laws of Delaware, was authorized to apply for and collect any claim the State of Delaware might have against the United States;

Further preamble. AND WHEREAS prior to the collection of any such claim the said James L. Wolcott was appointed Chancellor of the State of Delaware, which office he now holds; therefore

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Attorney General authorized to collect certain claims of the State against the United States. Terms. That the Attorney General of the State of Delaware shall have full authority for the State to apply for and collect any claim or claims the said State may have against the United States, and to execute receipts and acquittances for the same in the same manner and upon the same terms prescribed for the said James L. Wolcott in the aforesaid joint resolution adopted May 15th, 1891, and being Chapter 366, Volume 19, Delaware Laws.

The Attorney General substituted for the Hon James L. Wolcott in collection of said claims. And that the Attorney General be and he is hereby substituted for the Honorable James L. Wolcott, now Chancellor of the State of Delaware, as the agent of the State for the collection of such claims, and all the provisions of the said joint resolution in relation to the compensation and mode of payment of the said James L. Wolcott shall apply to the compensation and mode of payment of the Attorney General.

Proviso. *Provided however,* That any contract or contracts heretofore made by the said James L. Wolcott in relation to the collection of the said claims, in accordance with the provisions of the said joint resolution, be and the same are hereby ratified and declared to be binding upon the Attorney General.

Contracts made by said James L. Wolcott, ratified.

RESOLUTIONS.

And provided further, That any compensation or allowance that may be made to the Honorable James L. Wolcott for any services he may have rendered, or expense he may have incurred whilst acting under the authority of the said joint resolution, shall be deducted from the compensation of the Attorney General for any collection he may make in accordance with the provisions of this resolution.

Compensation to James L. Wolcott to be deducted from compensation of Attorney General.

Adopted at Dover, May 2, 1893.

CHAPTER 862.

Joint Resolution appropriating Four Hundred Dollars to the Contingent Expenses of the Office of the Attorney-General.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That the sum of four hundred dollars be and the same is hereby appropriated and made payable to John R. Nicholson, Attorney General, to defray the contingent expenses of his office for the present and ensuing year, and that he is required to present his accounts and vouchers to the General Assembly of this State at its next session for settlement.

Four hundred dollars appropriated for contingent expenses of Attorney General.

Adopted at Dover, May 2, 1893.

RESOLUTIONS.

CHAPTER 863.

Joint Resolution in relation to Fishing for Menhaden.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Collector of Oyster Revenue to issue licenses to fish for menhaden upon payment of \$100 for same. Time and place of fishing. Misdemeanor to fish without license. Punishment. That from and after the adoption of this resolution the collector of oyster revenue shall, upon payment to him of the sum of one hundred dollars, annually issue a license to any vessel or fishing boat to fish for and take menhaden, sharks, porpoises and herring hogs in the waters of Delaware bay, as far north as Mahon's river, from the 20th day of May to the 20th day of November in each year; said license fee to be for the use of the State. Any master of a vessel or owner thereof who shall fish in said waters without first having procured said license shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined the sum of five hundred dollars and the costs of prosecution, for the use of the State.

Commissioner of fisheries authorized to arrest for violations of the laws and provisions of resolution. Posse comitatus. *Resolved further,* That the commissioner of fish and fisheries shall have power and is hereby given authority to make arrest of persons violating the laws of this State and the provisions of this resolution, and, if necessary, may call in and depute any person or persons, boat or boats, vessel or vessels, with their crews, as a posse comitatus in the enforcement of this resolution and the laws of this State.

Inconsistent acts repealed. All acts or parts of acts inconsistent herewith are hereby repealed.

Adopted at Dover, May 2, 1893.

RESOLUTIONS.

CHAPTER 864.

Joint Resolution in relation to a Clerical Error.

Resolved by the Senate and House of Representatives of the State of Delaware [in General Assembly met]:

That the Secretary of State be and he is hereby authorized, in the publication of the laws enacted by this legislature, to strike out the words "Volume 18," in line eight of Section 3 of the act entitled "An act in relation to municipal elections to be held in the city of Wilmington," and insert in lieu thereof the words "Volume 19."

Secretary of State authorized to correct a bill in publication of laws.

Adopted at Dover, May 2, 1893.

CHAPTER 865.

Joint Resolution to pay the Executrix of the late Hon. Alfred P. Robinson \$300.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the sum of three hundred dollars be and the same is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, to Kate G. Robinson, executrix of the will of the late Hon. Alfred P. Robinson, in payment for services rendered as a State delegate to the national conference for promoting uniformity of law in the United States, held at Saratoga, New York, on August 24th, 1892; and Wilbur H. Burnite, State Treasurer, is hereby authorized to pay to the said Kate G. Robinson, executrix, the aforesaid amount, and this shall be his warrant and authority for the payment of the same.

\$300 appropriated to the executrix of Hon. Alfred P. Robinson.

Authority of State Treasurer for said payment.

Adopted at Dover, May 2, 1893.

RESOLUTIONS.

CHAPTER 866.

Joint Resolution in relation to Adjournment of the General Assembly
sine die.

*Be it resolved by the Senate and House of Representatives
[of the State of Delaware in General Assembly met]:*

Adjourn-
ment sine
die.

That the General Assembly of Delaware adjourns sine die
Friday, May 5th, at twelve, noon.

Adopted at Dover, May 3, 1893.

CHAPTER 867.

Joint Resolution in relation to the Journals of the Senate and House
of Representatives.

*Be it resolved by the Senate and House of Representatives
of the State of Delaware [in General Assembly met]:*

Clerks of
Senate and
House res-
pectively,
authorized
to omit
reports of
State officers
in publica-
tion of
journals.

That the clerks of the said bodies respectively be and they
are hereby authorized and directed to omit, in the publica-
tion of the Journals respectively, the reports of State officers,
boards, and commissions, made to this General Assembly.

Adopted at Dover, May 3, 1893.

RESOLUTIONS.

CHAPTER 868.

Joint Resolution providing for Temporary Deficiency in the Treasury.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That the State Treasurer be and he is hereby authorized to borrow temporarily from the Trustee of the School Fund, for general fund purposes, such sums of money as may be necessary to meet any deficiency that may occur in said general fund; and in the event of being unable to return the same at such times as it may be needed, he shall have power to borrow such sums as may be required, and to issue a certificate or certificates for the same, and the faith of the State is hereby pledged for the payment thereof.

State Treasurer authorized to borrow temporarily from School Fund to meet deficits in general fund.

Power to borrow at other times.

Adopted at Dover, May 4, 1893.

CHAPTER 869.

Joint Resolution in relation to Indexing State Books and Papers.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That the Secretary of State be and is hereby authorized and directed to index the executive register of this State, and to arrange index books for articles of incorporation granted by the courts; *provided, however,* that such indexes and the making of the same shall be done at a cost to the State of such amount as the Legislative Committee shall decide upon, not to exceed five hundred dollars (\$500.00).

Secretary of State authorized to index executive register and arrange State papers.

Compensation.

Adopted at Dover, May 4, 1893.

RESOLUTIONS.

CHAPTER 870.

Joint Resolution relating to certain Changes in the Offices of the Capitol Building.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

State Treasurer authorized to make alterations in capitol building.

That the State Treasurer be authorized and directed to make the changes and alterations in the capitol building as recommended in the report of the joint committee, and to fit up and furnish the different offices.

Adopted at Dover, May 4, 1893.

CHAPTER 871.

Joint Resolution authorizing the Repair of certain parts of the State House.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

James A. Clifton authorized to make certain repairs to State House

Provisions for payment

Limit of cost.

That James A. Clifton be and he is hereby authorized to repair the roof upon the State House and the banister and stairway leading to the third story; said work to be done subject to the supervision of the State Librarian, and the State Treasurer is hereby directed, when the said work shall be completed to his satisfaction, to pay such reasonable compensation as he may think proper to the said James A. Clifton, and the receipt of the said James A. Clifton shall be a sufficient warrant to the State Treasurer for the said payment, *provided, however,* the cost of repairing said roof shall not exceed the sum of forty-five dollars, and the cost of repairing the stairway and banister shall not exceed the sum of fifteen dollars.

Adopted at Dover, May 4, 1893.

RESOLUTIONS.

CHAPTER 872.

Joint Resolution in relation to the appointment of a Notary Public in
New Castle County.

WHEREAS Thomas F. Hanlan, late of the city of Wilmington, has absconded from the State; AND WHEREAS said Thomas F. Hanlan, at the time of his leaving this jurisdiction was a notary public in and for New Castle county; AND WHEREAS there is doubt as to which hundred said Hanlan was appointed a notary public for,

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That the Governor be and is hereby authorized to fill the office vacated by the said Thomas F. Hanlan by the appointment of some suitable person resident in New Castle county.

Adopted at Dover, May 4, 1893.

The Governor authorized to appoint a notary public in lieu of Thomas F. Hanlan.

CHAPTER 873.

Joint Resolution for the Payment of Claims against the State.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

That the State Treasurer be and he is hereby authorized to pay the following claims:

T. K. Jones & Bro., carpenter bill,	\$	28 75
Walker, Sons & Co., seal press for Court of Errors and Appeals,		13 25
Stephen K. Betts, law books,		79 25
Stephen K. Betts, attendance Court of Errors and Appeals,		12 00
Arthur R. Boyle, regulating clocks in Senate and House,		10 00

State Treasurer authorized to pay the following claims.

RESOLUTIONS.

Claims, etc.	James Wise, crier of Court of Errors and Appeals, \$	16 00
	James Frazier, fireman and bailiff in Court of Errors and Appeals,	16 00
	John S. Godwin, stationery, etc.,	8 00
	Wilbur Shorts, messenger for Court of Errors and Appeals,	4 00
	Robert G. Dunn, four days attendance at Court of Errors and Appeals,	6 00
	John J. Morris, recording application and condemnation of lands,	20 00
	G. P. Putnam & Sons, one special Bankers' case,	27 50
	Delaware Democrat Publishing Co., printing,	403 27
	The Delaware Weekly Twilight, printing,	23 00
	The Delaware Pilot, printing,	28 25
	Diamond Printing Company, printing,	119 50
	C. R. Ferguson & Son, mirrors,	7 50
	John P. Dulaney, auditor,	25 75
	C. C. Tindall, supt. public schools, stationery, &c.,	173 57
	H. Baird, cashier National Bank of Delaware, witness fee,	5 00
	John H. Danby, cashier Union National Bank, witness fee,	5 00
	R. G. Cooper, cashier Farmers' Bank, N. C., witness fee,	5 00
	W. H. Janney, cashier Nat'l Bank, Smyrna, witness fee,	5 00
	I. N. Fooks, insurance commissioner, postage, &c.,	100 92
	W. F. Tunnell, cashier Farmers' Bank, Georgetown, witness fee,	5 00
	George Townsend, Milford Chronicle, printing,	183 82
	C. F. Thomas & Co., stationery, &c.,	382 28
	John F. Saulsbury, The Delawarean,	311 00
	James Virden, recorder Kent county,	2 00
	Lon W. Clifton, chart cabinet,	32 50
	Joseph Jenkins, plumber and pipe-fitter,	119 41
	Peter C. Gruwell, pocket cork screws,	21 67
	Stevenson & Slaughter, coal,	701 60
	George W. Morgan, painting, &c., State House,	112 49
	L. M. Wright, carpet,	14 50
	George P. Jarrell, gas-fitting, &c.,	45 90
	W. P. Godwin, carpet and repairs on State house,	194 60
	M. E. Haman, ice,	98 00
	Robert H. Herd, cleaning out cellar,	8 50
	T. K. Jones, supplies for State House,	188 23

2

Adopted at Dover, May 4, 1893.

RESOLUTIONS.

CHAPTER 874.

Joint Resolution in relation to the Report of the Insurance Commissioner.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

Isaac N. Fooks authorized to have printed 300 copies of his report as Insurance Commissioner.

Also to prepare copies of the annual statements of the Insurance Companies.

Manner of payment of expenses of publication.

Compensation of said Isaac N. Fooks.

That Isaac N. Fooks, the insurance commissioner, be and is authorized and empowered to have printed and bound three hundred copies of the insurance report made to the present session of the General Assembly, and that he be also authorized to prepare, or cause to be prepared, copies of the annual statements of all the companies doing the business of insurance in this State for the year ending December 31, 1892, and tabulated statements setting forth the assets, liabilities, income and expenditures, and other information showing the business condition and standing of said companies.

Resolved, That the insurance commissioner be and he is hereby authorized to contract for the printing and binding of the said number of copies, and the Governor is hereby authorized, upon the certificate of the said insurance commissioner that the said printing and binding is done to his acceptance, and also upon his certificate stating the price and the several items of charge, to draw an order on the State Treasurer for the payment of said printing and binding according to said contract.

Resolved, That the State Treasurer be and he is hereby authorized and directed to pay to the said Isaac N. Fooks, insurance commissioner, the sum of five hundred dollars for preparing said annual and tabulated statements and for superintending the printing of said insurance report, upon the completion and printing of the same.

Adopted at Dover, May 5, 1893.

RESOLUTIONS.

CHAPTER 875.

Joint Resolution to pay Commissioners appointed by the Governor on Quarantine Site.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the sum of (\$226.51) two hundred and twenty-six dollars and fifty-one cents be allowed to J. T. Budd, the sum of (\$155.50) one hundred and fifty-five dollars and fifty cents be allowed to E. R. Cochran, and the sum of (\$14.83) fourteen dollars and eighty-three cents be allowed to W. P. Orr, jr., as their respective reimbursements for services and expenses while serving as the commission appointed by the Governor on quarantine site, and the joint committee on claims of this General Assembly are hereby instructed to allow to the respective persons herein named the aforesaid respective amounts.

Allowances
to quaran-
tine com-
mission.

Adopted at Dover, May 5, 1893.

CHAPTER 876.

A Resolution in Relation to Certain Deeds.

Be it resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met:

That the sheriff of Kent county and State of Delaware hereafter to be appointed to fill the vacancy caused by the death of Robert G. Dunn be and he is hereby authorized and empowered to make and execute such deeds of lands sold by former sheriffs who have gone out of office without making deeds therefor, and which deeds have been or may be ordered made by the Superior Court of the State of Delaware in and for Kent county at its April term, A. D. 1893.

Successor to
Robt. G.
Dunn, late
Sheriff of
Kent
County
authorized
to execute
certain
deeds.

Adopted at Dover, May 5, 1893.

RESOLUTIONS.

CHAPTER 877.

Joint Resolution to pay Henry Ridgely.

Resolved by the Senate and House of Representatives [of the State of Delaware] in General Assembly met :

Allowance
to Henry
Ridgely for
drawing
bills.

That the sum of thirty-five dollars be paid Henry Ridgely for drawing two bills for election and registration bills, and the State Treasurer be and he is hereby authorized to pay the same, and this shall be his authority for the same.

Adopted at Dover, May 5, 1893.

CHAPTER 878.

Joint Resolution in relation to Colonial Exhibits at the World's Columbian Exposition.

Resolved by the Senate and House of Representatives of the State of Delaware in General Assembly met :

Four hun-
dred dollars
appropri-
ated for
colonial ex-
hibit at the
World's
Columbian
Exposition.

That the sum of four hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, to be paid by the State Treasurer out of the general fund upon the order of Mrs. Mary Torbert and Mrs. Mary P. Kinder, for the purpose of securing a colonial exhibit from this State at the World's Columbian Exposition of 1893, and the said Mrs. Mary Torbert and Mrs. Mary P. Kinder shall, after the close of said exposition, present to the Governor a complete list of disbursements under this resolution, with vouchers therefor attached.

Adopted at Dover, May 5, 1893.

TITLES OF ACTS OF INCORPORATION

EXCLUDED FROM PUBLICATION

BY ACT OF FEBRUARY 17, 1866.

CHAPTER 879.

An Act to incorporate the Dover Hosiery Company.

Passed at Dover, January 20, 1893.

CHAPTER 880.

An Act for the renewal of the charter of the Casho Machine Company.

Passed at Dover, January 25, 1893.

CHAPTER 881.

An Act to incorporate the Broome Street Improvement Company.

Passed at Dover, January 25, 1893.

CHAPTER 882.

An Act to incorporate the Enoch Moore and Sons Company.

Passed at Dover, January 26, 1893.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 883.

An Act to renew the charter of the Germania Building and Loan Association, No. 2.

Passed at Dover, January 26, 1893.

CHAPTER 884.

An Act to revive, renew and continue the charter of Diamond Lodge, No. 16, Knights of Pythias of Delaware.

Passed at Dover, January 26, 1893.

CHAPTER 885.

An Act to incorporate the Economic Insurance Company of America.

Passed at Dover, January 26, 1893.

CHAPTER 886.

An Act to incorporate the Hollis Stove and Furniture Company.

Passed at Dover, January 30, 1893.

CHAPTER 887.

An Act to incorporate Delaware Shade Tree Company.

Passed at Dover, January 31, 1893.

CHAPTER 888.

An Act to renew and extend the charter of the Western Car Company.

Passed at Dover, February 1, 1893.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 889.

An Act to incorporate Henlopen Circle No. 11, Brotherhood of the Union (H. F.) C. of A. of Lewes, Delaware.

Passed at Dover, February 7, 1893.

CHAPTER 890.

An Act to reenact, revive and renew the act entitled "An act to incorporate the Brandywine Hundred Mutual Horse Company for the recovery of stolen horses."

Passed at Dover, February 7, 1893.

CHAPTER 891.

An Act to incorporate the Industrial Improvement Company of Wilmington, Delaware.

Passed at Dover, February 8, 1893.

CHAPTER 892.

An Act to incorporate Wyoming Castle No. 22, Knights of the Golden Eagle, of Delaware.

Passed at Dover, February 8, 1893.

CHAPTER 893.

An Act for the renewal of the charter of The J. Morton Poole Company.

Passed at Dover, February 9, 1893.

CHAPTER 894.

An Act to reincorporate Active Lodge No. 14, Knights of Pythias of the State of Delaware in the Town of Felton.

Passed at Dover, February 9, 1893.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 895.

An Act to revive, renew and continue the charter of St. Mary's Total Abstinence Beneficial Society of Wilmington, Delaware.

Passed at Dover, February 9, 1893.

CHAPTER 896.

An act to incorporate Oklahoma Tribe, No. 26, Improved Order of Red Men, of Lewes, Delaware.

Passed at Dover, February 9, 1893.

CHAPTER 897.

An Act to incorporate the Delaware Distilling Company.

Passed at Dover, February 10, 1893.

CHAPTER 898.

An Act to incorporate the Worden Crate and Basket Manufacturing Company.

Passed at Dover, February 14, 1893.

CHAPTER 899.

An Act to incorporate the Cold Spring Ice and Coal Company.

Passed at Dover, February 14, 1893.

CHAPTER 900.

An Act to amend the certificate of incorporation of The New Century Club, incorporated in conformity with the provisions of the act of the General Assembly of the State of Delaware, entitled "An act concerning Private Corporations," passed at Dover, March 14, 1883.

Passed at Dover, February 16, 1893.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 901.

An Act to incorporate The Warren Athletic Club.

Passed at Dover, February 17, 1893.

CHAPTER 902.

An Act to revive, renew and continue the charter of The Mill Creek Union Association for the detection of Horse Thieves and the recovery of stolen property.

Passed at Dover, February 21, 1893.

CHAPTER 903.

An Act to incorporate Talleyville Lodge, No. 19, Knights of Pythias of Delaware.

Passed at Dover, February 22, 1893.

CHAPTER 904.

An Act to reenact and renew the act entitled "An act to incorporate Wawaset Tribe, No. 9, Improved Order of Red Men," passed at Dover, March 5th, 1873.

Passed at Dover, February 23, 1893.

CHAPTER 905.

An Act to incorporate Brandywine Lodge, No. 18, of the Independent Order of Odd Fellows, 17th street and Woodlawn avenue, Highlands, in New Castle county, State of Delaware.

Passed at Dover, February 23, 1893.

CHAPTER 906.

An Act to incorporate The Homewood Land and Improvement Company.

Passed at Dover, February 23, 1893.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 907.

An Act to renew the charter of Delaware Tribe, No. 1, Improved Order of Red Men of Delaware.

Passed at Dover, February 23, 1893.

CHAPTER 908.

An Act to incorporate the Union Park Company.

Passed at Dover, February 24, 1893.

CHAPTER 909.

An Act for the renewal of the charter of the Old Dominion Steamship Company.

Passed at Dover, February 28, 1893.

CHAPTER 910.

An Act to incorporate the Fidelity Real Estate Improvement Company.

Passed at Dover, February 28, 1893.

CHAPTER 911.

An Act to incorporate The Equitable Land Improvement Company.

Passed at Dover, February 28, 1893.

CHAPTER 912.

An Act to renew and extend the charter of The Washington Street Club Stables.

Passed at Dover, March 1, 1893.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 913.

An Act to incorporate Local Union, No. 40, United Brotherhood of Carpenters and Joiners of America.

Passed at Dover, March 2, 1893.

CHAPTER 914.

An Act to incorporate Sakimas Tribe, No. 10, Improved Order Red Men, of North Milford, Delaware.

Passed at Dover, March 2, 1893.

CHAPTER 915.

An Act to incorporate Diamond State Circle, No. 3, of the Order of Brotherhood of the Union, of North Milford, Delaware.

Passed at Dover, March 2, 1893.

CHAPTER 916.

An Act to reenact the act entitled "An act to incorporate the Odd Fellows Cemetery of Kent County, near Camden," passed at Dover, March 28, 1873.

Passed at Dover, March 2, 1893.

CHAPTER 917.

An Act to reenact and amend the act entitled "An act to incorporate the Philadelphia and Smyrna Transportation Company," passed at Dover, February 7th, 1883.

Passed at Dover, March 2, 1893.

CHAPTER 918.

An Act to incorporate the Minqua Land Company.

Passed at Dover, March 8, 1893.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 919.

An Act to incorporate Friendly Circle, No. 2, Brotherhood of the Union (H. F.) C. of A., of Laurel.

Passed at Dover, March 8, 1893.

CHAPTER 920.

An Act to incorporate the Wilmington and Delaware River Wharf Company.

Passed at Dover, March 10, 1893.

CHAPTER 921.

An Act to incorporate Sinepuxent Tribe, No. 16, Improved Order of Red Men, of Whitesville, Sussex county, Delaware.

Passed at Dover, March 21, 1891.

CHAPTER 922.

An Act to incorporate Jefferson Circle, No. 4, Brotherhood of the Union H. F. C. of A., of Bethel.

Passed at Dover, March 21, 1893.

CHAPTER 923.

An Act to incorporate Wilmington Lodge, No. 184, International Association of Machinists.

Passed at Dover, March 21, 1893.

CHAPTER 924.

An Act to incorporate Apollo Castle, No. 2, Knights of the Golden Eagle of the State of Delaware.

Passed at Dover, March 21, 1893.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 925.

An Act to incorporate Ottawa Tribe, No. 30, Improved Order of Red Men, of Williamsville, Delaware.

Passed at Dover, March 22, 1893.

CHAPTER 926.

An Act to incorporate Castle 16, Knights of the Golden Eagle, of Roxana, Delaware.

Passed at Dover, March 22, 1893.

CHAPTER 927.

An Act to incorporate Chosen Friends' Castle, No. 14, Knights of the Golden Eagle of the State of Delaware.

Passed at Dover, March 22, 1893.

CHAPTER 928.

An Act to incorporate the Grand Castle, Knights of the Golden Eagle of the State of Delaware.

Passed at Dover, March 23, 1893.

CHAPTER 929.

An Act to incorporate the Geometric Drill Company.

Passed at Dover, March 28, 1893.

CHAPTER 930.

An Act to renew the charter and reincorporate The Riverview Cemetery Company, of Wilmington, Delaware.

Passed at Dover, March 28, 1893.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 931.

An Act to incorporate the Delaware Publishing Company.

Passed at Dover, March 28, 1893.

CHAPTER 932.

An Act to incorporate The Board of Trade of the City of New Castle.

Passed at Dover, March 28, 1893.

CHAPTER 933.

An Act to incorporate Wenonah Lodge, No. 3, Shield of Honor, of Wilmington, Delaware.

Passed at Dover, March 29, 1893.

CHAPTER 934.

An Act to incorporate Asketum Tribe, No. 25, Improved Order of Red Men, of Dagsboro, Delaware.

Passed at Dover, March 29, 1893.

CHAPTER 935.

An Act to incorporate Unity Lodge, No. 41, Independent Order of Odd Fellows of the State of Delaware.

Passed at Dover, March 29, 1893.

CHAPTER 936.

An Act to incorporate the Phil Sheridan Post, No. 23, Grand Army of the Republic, of the city of Wilmington, Delaware.

Passed at Dover, March 29, 1893.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 937.

An Act to incorporate Corinthian Lodge No. 1, Shield of Honor, of the State of Delaware.

Passed at Dover, March 29, 1893.

CHAPTER 938.

An Act to incorporate The Peach Kaolin Company.

Passed at Dover, March 30, 1893.

CHAPTER 939.

An Act to incorporate the Real Estate and Investment Company.

Passed at Dover, March 30, 1893.

CHAPTER 940.

An Act to incorporate The Highland's Land Company.

Passed at Dover, March 30, 1893.

CHAPTER 941.

An Act to incorporate the Riverside Real Estate Company.

Passed at Dover, March 30, 1893.

CHAPTER 942.

An Act to incorporate the Riverside Terra Cotta Company.

Passed at Dover, March 30, 1893.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 943.

An Act to incorporate the Calmar Construction Company.

Passed at Dover, March 30, 1893.

CHAPTER 944.

An Act to incorporate The Evelyn Real Estate Company.

Passed at Dover, March 30, 1893.

CHAPTER 945.

An Act to incorporate the Lombard Construction Company.

Passed at Dover, March 30, 1893.

CHAPTER 946.

An Act for the relief of Washington Camp, No. 5, Patriotic Order Sons of America, of Wilmington, New Castle county, Delaware.

Passed at Dover, March 30, 1893.

CHAPTER 947,

An Act to incorporate the Atlantic Construction Company.

Passed at Dover, March 30, 1893.

CHAPTER 948.

An Act to incorporate the Simmons Manufacturing Company.

Passed at Dover, March 30, 1893.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 949.

An Act to incorporate The People's Guarantee and Trust Company.

Passed at Dover, March 30, 1893.

CHAPTER 950.

An Act to incorporate the Claymont Hall Company.

Passed at Dover, March 31, 1893.

CHAPTER 951.

An Act for the renewal of the charter of Mattahoon Tribe, No. 11, Improved Order of Red Men.

Passed at Dover, March 31, 1893.

CHAPTER 952.

An Act to incorporate Odd Fellows' Cemetery, of the Town of Laurel, County of Sussex and State of Delaware.

Passed at Dover, April 4, 1893.

CHAPTER 953.

An Act to incorporate the Philadelphia and Delaware Breakwater Pier and Improvement Company.

Passed at Dover, April 4, 1893.

CHAPTER 954.

An Act to amend an act entitled "An act to incorporate the Fame Hose Company of the City of Wilmington."

Passed at Dover, April 4, 1893.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 955.

An Act to amend the certificate of Charter of the American Leather Company.

Passed at Dover, April 4, 1893.

CHAPTER 956.

An Act to amend the certificate of incorporation of Walton and Whann Company, incorporated in conformity with the provisions of the act of the General Assembly of the State of Delaware entitled "An act concerning Private Corporations," passed at Dover, March 14, 1883.

Passed at Dover, April 5, 1893.

CHAPTER 957.

Supplement to an act entitled "An act to incorporate the Frankford Manufacturing and Fruit Preserving Company."

Passed at Dover, April 6, 1893.

CHAPTER 958.

An Act to amend the certificate of incorporation of Davis Spring Plate Company, incorporated in conformity with the provisions of the act of the General Assembly of the State of Delaware entitled "An act concerning private corporations," passed at Dover, March 14, 1883.

Passed at Dover, April 6, 1893.

CHAPTER 959.

An Act to incorporate The Provident Land and Loan Company.

Passed at Dover, April 6, 1893.

CHAPTER 960.

An Act to incorporate the Delaware River Transportation Company.

Passed at Dover, April 6, 1893.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 961.

An Act to incorporate the DuPont de Nemours Cemetery Company.

Passed at Dover, April 6, 1893.

CHAPTER 962.

An Act to incorporate the Marion-Wilmington Building Association, of Wilmington, Delaware.

Passed at Dover, April 6, 1893.

CHAPTER 963.

An Act to amend and renew the charter of the Benedictine Order of the Sacred Heart, of Wilmington, Delaware.

Passed at Dover, April 6, 1893.

CHAPTER 964.

An Act to incorporate the New Castle Market House Company.

Passed at Dover, April 11, 1893.

CHAPTER 965.

An Act to incorporate the Columbian Hotel Company.

Passed at Dover, April 11, 1893.

CHAPTER 966.

An Act to renew the charter of the Mutual Loan Association of Middletown, Delaware, and to make valid certain acts by it performed.

Passed at Dover, April 11, 1893.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 967.

An Act to amend the act entitled "An act to incorporate the Lenape Fire Company of the city of New Castle."

Passed at Dover, April 11, 1893.

CHAPTER 968.

An Act for the relief of the Delaware and Chesapeake Tow Boat Company, and the Clyde Steamship Company.

Passed at Dover April 12, 1893.

CHAPTER 969.

An act to incorporate the Delaware Detective Agency.

Passed at Dover, April 12, 1893.

CHAPTER 970.

An Act to incorporate the Bayard Legion Democratic Club.

Passed at Dover April 13, 1893.

CHAPTER 971.

An Act to incorporate the Delaware Homestead Company.

Passed at Dover, April 13, 1893.

CHAPTER 972.

An Act entitled "An act to incorporate the Milton Canning House Building Company."

Passed at Dover, April 14, 1893.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 973.

An Act to incorporate the Central Cemetery Company.

Passed at Dover, April 17, 1893.

CHAPTER 974.

An Act to incorporate the Ancient Order United Workmen Hall Company, of Delaware.

Passed at Dover, April 18, 1893.

CHAPTER 975.

An Act to incorporate The Costa Printing and Publishing Company.

Passed at Dover, April 18, 1893.

CHAPTER 976.

An Act to revive, extend and renew the act entitled "An act to incorporate the Brandywine Hundred Association for the recovery of stolen horses, &c.," being Chapter 504, Volume 12 of the Laws of Delaware.

Passed at Dover, April 19, 1893.

CHAPTER 977.

An Act to incorporate The Buffington Medicine Company.

Passed at Dover, April 19, 1893.

CHAPTER 978.

An Act to incorporate the Methodist Publishing Company.

Passed at Dover, April 20, 1893.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 979.

An Act to incorporate the St. Joseph Polish Catholic Beneficial Society, of the city of Wilmington.

Passed at Dover, April 21, 1893.

CHAPTER 980.

An Act to incorporate the Wilmington Fire Insurance Company.

Passed at Dover, April 21, 1893.

CHAPTER 981.

An Act to incorporate the Kent County Land Improvement Company.

Passed at Dover, April 24, 1893.

CHAPTER 982.

An Act to incorporate the Fenwick Island Gunning Club.

Passed at Dover, April 24, 1893.

CHAPTER 983.

A further supplement to the act entitled "An act to incorporate the Young Men's Association for Mutual Improvement, of the city of Wilmington.

Passed at Dover, April 24, 1893.

CHAPTER 984.

An Act to incorporate the Masonic Hall Company of Lewes, Delaware.

Passed at Dover, April 25, 1893.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 985.

An Act to reenact and continue in force an act entitled "An act to incorporate the subscribers of the New Castle Library Company, their successors and assigns."

Passed at Dover, April 26, 1893.

CHAPTER 986.

An Act to incorporate the Delaware Labor and Industrial Co., of the State of Delaware, in the City of Wilmington.

Passed at Dover, April 27, 1893.

CHAPTER 987.

An Act to amend an act entitled "An act to incorporate the McDonough Creamery Company."

Passed at Dover, April 28, 1893.

CHAPTER 988.

A Supplement to the act entitled "An act to incorporate Hebron Lodge, No. 14, of the Independent Order of Odd Fellows, at Seaford, Delaware," passed at Dover, January 12th, 1849, reenacted at Dover, February 26th, 1867, and reenacted at Dover, February 15th, 1887.

Passed at Dover, April 28, 1893.

CHAPTER 989.

An Act to incorporate the Masonic Hall Company of Milford, Delaware.

Passed at Dover, May 1, 1893.

CHAPTER 990.

An Act to amend an act entitled "An act to incorporate the Geometric Drill Company.

Passed at Dover, May 1, 1893.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 991.

"An Act to reincorporate": An act to reincorporate Oriental Lodge, No. 13, Knights of Pythias of the State of Delaware, in the city of Wilmington.

Passed at Dover, May 2, 1893.

CHAPTER 992.

An Act to incorporate the Sylvan Cemetery Company.

Passed at Dover, May 2, 1893.

CHAPTER 993.

An Act to incorporate the Citizens' Light and Power Company of Dover, Delaware.

Passed at Dover, May 2, 1893.

CHAPTER 994.

An Act to incorporate The Delaware Granite and Mining Company.

Passed at Dover, May 2, 1893.

CHAPTER 995.

An Act to incorporate the People's Market House Company.

Passed at Dover, May 2, 1893.

CHAPTER 996.

An Act to incorporate the Delawarean Printing Company.

Passed at Dover, May 2, 1893.

TITLES OF ACTS OF INCORPORATION.

CHAPTER 997.

An Act to incorporate the Frederica and Philadelphia Navigation Company.

Passed at Dover, May 3, 1893.

CHAPTER 998.

An Act to incorporate the Newport Iron and Steel Company.

Passed at Dover, May 3, 1893.

CHAPTER 999.

An Act to incorporate the Employers and Employés Protective Insurance Company.

Passed at Dover, May 4, 1893.

CHAPTER 1000.

An Act to reincorporate The Law Library Association of New Castle county.

Passed at Dover, May 4, 1893.

CHAPTER 1001.

An Act to incorporate the Waverly Investment Company.

Passed at Dover, May 4, 1893.

TITLES OF PRIVATE ACTS.

CHAPTER 1002.

An Act to authorize the recording of a certain deed.

Passed at Dover, January 25, 1893.

CHAPTER 1003.

An Act to make valid the records of certain deeds in New Castle County.

Passed at Dover, January 31, 1893.

CHAPTER 1004.

An Act to change the name of Margaret J. Stowe to the name of Margaret J. Kilmer.

Passed at Dover, February 15, 1893.

CHAPTER 1005.

An Act to make John Henry Roach a son and heir-at-law of Sarah A. Roach.

Passed at Dover, February 16, 1893.

TITLES OF PRIVATE ACTS.

CHAPTER 1006.

An Act to change the name of Mary Hanson Mather to Mary Hanson Askew Mather.

Passed at Dover, February 16, 1893.

CHAPTER 1007.

An Act to make valid the record of a certain deed in New Castle County.

Passed at Dover, March 2, 1893.

CHAPTER 1008.

An Act to confirm the title of certain private property in the City of Wilmington.

Passed at Dover, March 8, 1893.

CHAPTER 1009.

An Act for the relief of Ellen Mitchell.

Passed at Dover, March 10, 1893.

CHAPTER 1010.

An Act to cure a defect of title.

Passed at Dover, March 29, 1893.

CHAPTER 1011.

An Act in relation to St. John's Church, Wilmington, Delaware.

Passed at Dover, March 30, 1893.

TITLES OF PRIVATE ACTS.

CHAPTER 1012.

An Act for the relief of Ann E. Combs.

Passed at Dover, March 31, 1893.

CHAPTER 1013.

An Act for the relief of Mary Cook.

Passed at Dover, April 5, 1893.

CHAPTER 1014.

An Act for the benefit of Amanda C. Allen.

Passed at Dover, April 5, 1893.

CHAPTER 1015.

An Act for the relief of Mary R. L. Withers.

Passed at Dover, April 5, 1893.

CHAPTER 1016.

An act to authorize the trustees under the will of Elizabeth E. Ocheltree to sell and convey certain real estate.

Passed at Dover, April 6, 1893.

CHAPTER 1017.

An Act to make valid and legal the records of two certain deeds in New Castle county.

Passed at Dover, April 10, 1893.

TITLES OF PRIVATE ACTS.

CHAPTER 1018.

An Act for the relief of the heirs of John Fehrenbach, deceased.

Passed at Dover, April 20, 1893.

CHAPTER 1019.

An Act to change the name of Gottfried Osterlie to Charles Edward Taylor.

Passed at Dover, April 20, 1893.

CHAPTER 1020.

An Act to make valid the record of a certain deed in New Castle County.

Passed at Dover, April 21, 1893.

CHAPTER 1021.

An Act for the relief of the Wilmington Mills Manufacturing Company.

Passed at Dover, April 24, 1893.

CHAPTER 1022.

An Act to make valid the acknowledgment of a certain deed in New Castle County.

Passed at Dover, April 26, 1893.

CHAPTER 1023.

An Act authorizing the Recorder of Deeds of New Castle County to record certain deeds.

Passed at Dover, May 3, 1893.

TITLES OF PRIVATE ACTS.

CHAPTER 1024.

An Act to correct and validate a certain deed of James Martin, late Sheriff of New Castle County.

Passed at Dover, May 4, 1893.

DIVORCE ACTS.

CHAPTER 1025.

An Act to divorce Ida Thomas from Charles R. Thomas.

Passed at Dover, February 2, 1893.

CHAPTER 1026.

An Act to divorce Carrie G. Cannon from her husband, George W. Cannon, *a vinculo matrimonii*.

Passed at Dover, February 9, 1893.

CHAPTER 1027.

An Act to divorce James C. McComb and Mary E. McComb from the bonds of matrimony.

Passed at Dover, February 9, 1893.

CHAPTER 1028.

An Act to divorce Annie C. Tyndall from her husband, Samuel L. Tyndall, *a vinculo matrimonii*.

Passed at Dover, February 10, 1893.

TITLES OF PRIVATE ACTS.

CHAPTER 1029.

An Act to divorce Nettie M. Short and John H. Short, her husband, from the bonds of matrimony.

Passed at Dover, February 17, 1893.

CHAPTER 1030.

An Act to divorce Amanda M. Cole and Allen H. Cole from the bonds of matrimony.

Passed at Dover, February 23, 1893.

CHAPTER 1031.

An Act divorcing Florence A. Passwaters and her husband, Robert Passwaters, from the bonds of matrimony.

Passed at Dover, March 2, 1893.

CHAPTER 1032.

An Act to divorce Mary Elizabeth Brown and William J. Brown, her husband, from the bonds of matrimony.

Passed at Dover, March 2, 1893.

CHAPTER 1033.

An Act to divorce Margaret E. Weigandt and Charles F. Weigandt, *a vinculo matrimonii*.

Passed at Dover, March 2, 1893.

CHAPTER 1034.

An Act to divorce Lissie Dill from her husband, Henry F. Dill.

Passed at Dover, March 7, 1893.

TITLES OF PRIVATE ACTS.

CHAPTER 1035.

An Act to divorce Joseph R. Jefferis and Rose Jefferis from the bonds of matrimony.

Passed at Dover, March 8, 1893.

CHAPTER 1036.

An Act to divorce Charles W. Goodall from his wife, Fannie L. Goodall.

Passed at Dover, March 9, 1893.

CHAPTER 1037.

An Act divorcing William C. Pleasanton and his wife, Amey F. Pleasanton, from the bonds of matrimony.

Passed at Dover, March 9, 1893.

CHAPTER 1038.

An Act to divorce Sarah J. Fleetwood from her husband, Cyrus Fleetwood.

Passed at Dover, March 15, 1893.

CHAPTER 1039.

An Act to divorce John C. Scott from his wife, Martha Scott.

Passed at Dover, March 15, 1893.

CHAPTER 1040.

An Act to divorce Franklin T. Beggs and Louisia Beggs from the bonds of matrimony.

Passed at Dover, March 16, 1893.

TITLES OF PRIVATE ACTS.

CHAPTER 1041.

An Act to divorce William A. Ruth from his wife, Harriet E. Ruth,
a vinculo matrimonii.

Passed at Dover, March 16, 1893.

CHAPTER 1042.

An Act to divorce Helen E. Matthews from her husband, Wilbur
Matthews.

Passed at Dover, March 16, 1893.

CHAPTER 1043.

An Act to divorce Waitman Hopkins from his wife, Susan Hopkins,

Passed at Dover, March 16, 1893.

CHAPTER 1044.

An Act to divorce Ella Baldwin and George Z. Baldwin, her hus-
band, from the bonds of matrimony.

Passed at Dover, March 17, 1893.

CHAPTER 1045.

An Act to divorce Sarah Jane Williamson from her husband, Thomas
B. Williamson.

Passed at Dover, March 17, 1893.

CHAPTER 1046.

An Act to divorce Hannah Maria Stout and Daniel T. Stout from
the bonds of matrimony.

Passed at Dover, March 21, 1893.

TITLES OF PRIVATE ACTS.

CHAPTER 1047.

An Act divorcing Sallie Cummins and her husband, Jefferson Cummins, from the bonds of matrimony.

Passed at Dover, March 23, 1893.

CHAPTER 1048.

An Act to divorce Thomas E. Preston from his wife, Florence E. Preston.

Passed at Dover, March 24, 1893.

CHAPTER 1049.

An Act to divorce Allan R. Atkins and Sarah E. Atkins, his wife, from the bonds of matrimony.

Passed at Dover, March 29, 1893.

CHAPTER 1050.

An Act to divorce Ellen Conner from the bonds of matrimony with John Conner.

Passed at Dover, April 3, 1893.

CHAPTER 1051.

An Act to divorce Mary L. Rice and Thomas B. Rice from the bonds of matrimony.

Passed at Dover, April 3, 1893.

CHAPTER 1052.

An Act to divorce Fred A. Adams from Effie F. Adams.

Passed at Dover, April 6, 1893.

TITLES OF PRIVATE ACTS.

CHAPTER 1053.

An Act to divorce Ida L. Irwin from her husband, Martin L. Irwin,
a vinculo matrimonii.

Passed at Dover, April 6, 1893.

CHAPTER 1054.

An Act to divorce Mary E. Kirby from her husband, James P.
Kirby, *a vinculo matrimonii.*

Passed at Dover, April 6, 1893.

CHAPTER 1055.

An Act to divorce Robert E. Somers from Lizzie Somers.

Passed at Dover April 6, 1893.

CHAPTER 1056.

An Act to divorce William K. Shaw and Mary E. Shaw from the
bonds of matrimony.

Passed at Dover, April 6, 1893.

CHAPTER 1057.

An Act to divorce Christine McCracken from Thomas McCracken.

Passed at Dover, April 10, 1893.

CHAPTER 1058.

An Act divorcing John E. Willey from his wife, Wilhelmina Willey,
and giving him the the custody of his children.

Passed at Dover, April 11, 1893.

TITLES OF PRIVATE ACTS.

CHAPTER 1059.

An Act to divorce Lucy E. Fox from her husband, Willard S. Fox.
Passed at Dover, April 11, 1893.

CHAPTER 1060.

An Act to divorce Wilhelmina E. Conroy from her husband,
William H. Conroy.
Passed at Dover, April 11, 1893.

CHAPTER 1061.

An Act to divorce William Wright and Lydia C. Wright *a vinculo
matrimonii*.
Passed at Dover, April 12, 1893.

CHAPTER 1062.

An Act to divorce Jacob Clendaniel and Mary T. Clendaniel, his
wife, from the bonds of matrimony.
Passed at Dover, April 14, 1893.

CHAPTER 1063.

An Act to divorce Wilford B. Donovan and Sallie A. Donovan, his
wife, from the bonds of matrimony.
Passed at Dover, April 14, 1893.

CHAPTER 1064.

An Act to divorce Nathaniel Rogers and Mary A. Rogers *a vinculo
matrimonii*.
Passed at Dover April 17, 1893.

TITLES OF PRIVATE ACTS.

CHAPTER 1065.

An Act to divorce Louisa Nitchkey and Julius Nitchkey, her husband, from the bonds of matrimony.

Passed at Dover, April 17, 1893.

CHAPTER 1066.

An Act to divorce Letitia W. Smith from her husband, Valentine D. Smith.

Passed at Dover, April 17, 1893.

CHAPTER 1067.

An Act to divorce Anthony Kiss from his wife, Mary Kiss.

Passed at Dover, April 17, 1893.

CHAPTER 1068.

An Act to divorce Matthew Arthurs and Angeline Arthurs from the bonds of matrimony.

Passed at Dover, April 19, 1893.

CHAPTER 1069.

An Act to divorce Emma J. Armstrong from her husband, Benjamin D. Armstrong, from the bonds of matrimony.

Passed at Dover, April 20, 1893.

CHAPTER 1070.

An Act to divorce Joseph F. Carey from his wife, Annie E. Carey.

Passed at Dover, April 20, 1893.

TITLES OF PRIVATE ACTS.

CHAPTER 1071.

An Act to divorce Mary C. Perry and William H. Perry from the bonds of matrimony.

Passed at Dover, April 24, 1893.

CHAPTER 1072.

An Act to divorce Mary Thomas and Herman M. Thomas, her husband, from the bonds of matrimony.

Passed at Dover, April 24, 1893.

CHAPTER 1073.

An Act to divorce Lea Bainard from her husband, Eben Bainard.

Passed at Dover, April 24, 1893.

CHAPTER 1074.

An Act to divorce Walter J. Dick and Lida A., from the bonds of matrimony.

Passed at Dover, April 24, 1893.

✱

CHAPTER 1075.

An Act to divorce Julia Roe and her husband, Alexander K. Roe, from the bonds of matrimony *a vinculo matrimonii*.

Passed at Dover, April 25, 1893.

CHAPTER 1076.

An act to divorce James H. Coates from his wife, Leila M. Coates, *a vinculo matrimonii*.

Passed at Dover, May 1, 1893.

TITLES OF PRIVATE ACTS.

CHAPTER 1077.

An Act to divorce Isaac West from Eliza West *a vinculo matrimonii*.

Passed at Dover, May 2, 1893.

SECRETARY'S OFFICE,

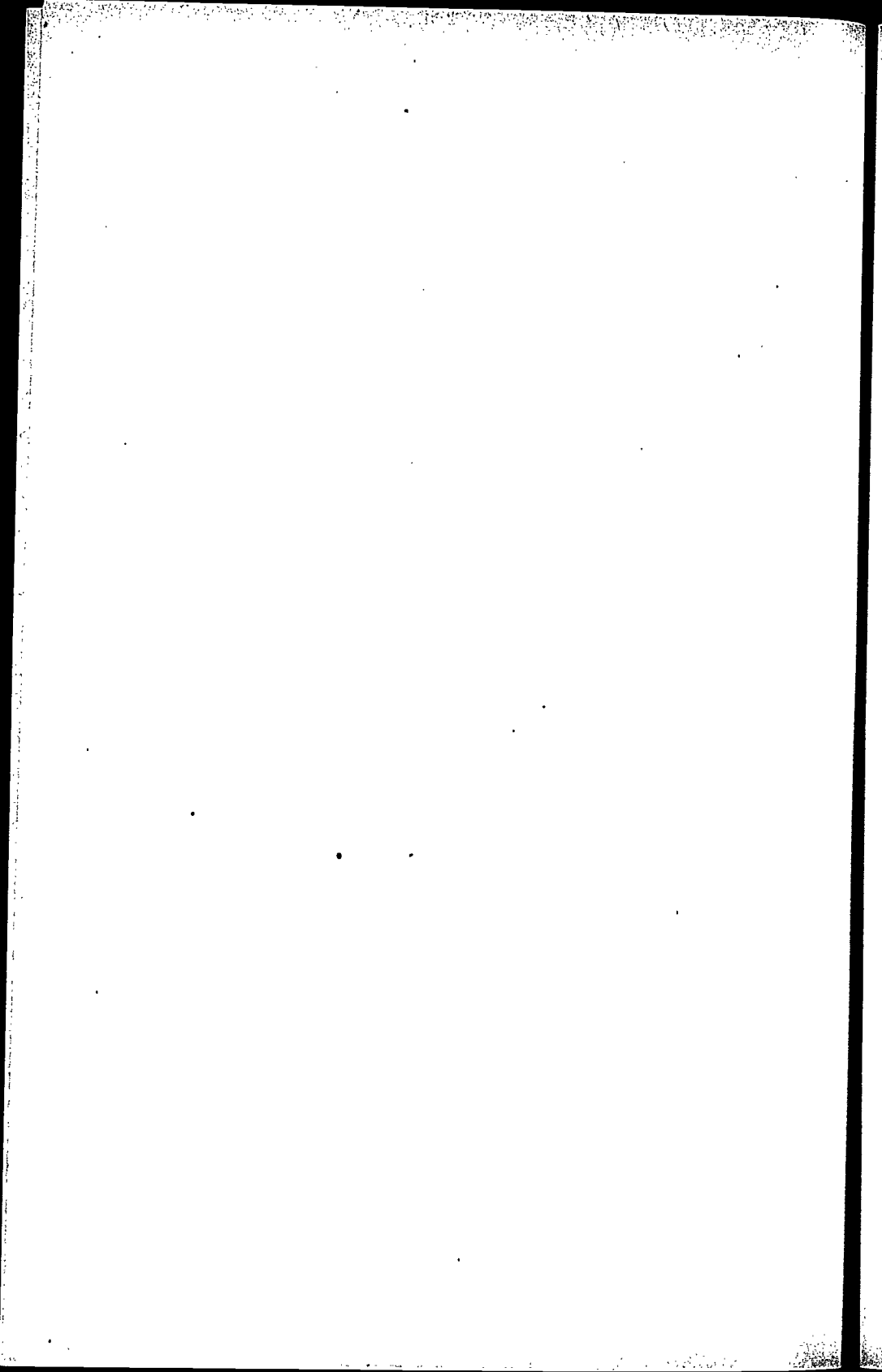
DOVER, July 15, 1893.

In obedience to directions of Chapter 4 of the Revised Code, entitled "Of the Passing and Publication of Laws and of Journals," I have collated with and corrected by the original rolls now in this office, and caused to be published, this edition of the Laws of Delaware, passed by the General Assembly at the regular biennial session commenced on Tuesday, the third day of January, A. D. 1893.

The words between brackets throughout the work are inserted to supply omissions in the original rolls. Words and sentences noted with asterisks are printed as they appear on the rolls.

JOHN D. HAWKINS,

Secretary of State.



INDEX.

A

ACCUSED PERSONS—

Right of to testify in their own behalf 1126

ACKNOWLEDGMENT—

(See *AEIs, Private.*)

(See *Deeds.*)

ACTIONS—

(See *Liens.*)

(See *Limitations.*)

(See *Oysters.*)

ACTIVE LODGE, No. 14, KNIGHTS OF PYTHIAS OF THE STATE OF DELAWARE, IN THE TOWN OF FEL- TON—

Title of act to reincorporate 1201

ACTS AMENDED—

Chapter 6, Volume 19, Section 1, amended 621

Chapter 82, Volume 12, amended 622

Chapter 1, Volume 13 (being part of Chapter 4, page 24 of the
Revised Code), amended 627

Chapter 476, Volume 15, amended 632

Chapter 27, Volume 19, amended 633

Chapter 26, Volume 19, amended 635

Chapter 26, Volume 19, amended 641

An act in relation to the collection of taxes in this State, passed
at Dover, April 10, 1873, being Chapter 372, Volume 14, Laws
of Delaware, as amended by the act entitled "An act in rela-
tion to collectors," passed at Dover, May 15, 1891, amended. 650

Chapter 33, Volume 17, amended 657

Section 43, Chapter 18, Revised Code, amended 661

Chapter 38, Volume 19, amended 663

ACTS AMENDED—CONTINUED.

An act to provide for the secrecy and purity of the ballot, passed at Dover, May 15, 1891, amended	665
Section 13, Chapter 32 of the Revised Code, amended	669
Section 4, Chapter 47, Volume 19, amended	670
Section 3, Chapter 25, Volume 18, amended	672
Section 1, Chapter 50, Volume 19, amended	675
Section 1, Chapter 28, Volume 18, amended	676
Chapter 61, Volume 19, amended	677
Chapter 349, Volume 16, amended	680
An act to amend an act entitled "An act to repeal and supply Chapter 117, Volume 13, Laws of Delaware, as amended by Chapter 423, Volume 17, Laws of Delaware," as published in Chapter 21, Volume 19, Laws of Delaware	681
Chapter 347, Volume 16, amended	682
An act to provide for free text books for the free schools of the State, amended	687
Section 8, Chapter 459, Volume 17, amended	694
Chapter 357, Volume 15, amended	709
Section 8, Chapter 459, Volume 17, amended	709
An act to establish a State Board of Health for the State of Delaware, passed at Dover, March 13, 1879, amended	751
Chapter 58, Volume 15, amended	758
Chapter 418, Volume 14, amended	760
Chapter 503, Volume 17, amended	761
Chapter 555, Volume 18, amended	762
Chapter 137, Volume 19, amended	801
Section 1, Chapter 57, of the Revised Code, amended	804
An act to amend the act entitled "A supplement to an act authorizing the owners and possessors of the marsh and low grounds, commonly called and known as Tappahannah Marsh, situated in the Forest of Dover Hundred, in Kent County, to cut a ditch or drain through the same,"	812
The acts incorporating the Kent and Sussex Ditch Company, amended	816
Chapter 523, Volume 12, as reenacted and amended, further amended	822
Chapter 153, Volume 19, amended	836
Chapter 85, Volume 16, amended	850
Chapter 407, Volume 15, and Chapter 534, Volume 17, amended	853
Chapter 695, Volume 18, amended	889
Chapter 617, Volume 18, amended	894
Section 10, Chapter 147, Volume 17, amended	898
An act to amend "An act to incorporate the Odessa and Midletown Narrow Gauge Railway," passed at Dover, April 8th, 1873, and amended January 30th, 1889	955
Section 40, Chapter 660, Volume 18, amended	980
An act to further amend an act entitled "An act to revive and consolidate the statutes relating to the city of Wilmington, passed April 13, 1883	983

ACTS AMENDED—CONTINUED.

Chapter 39, Volume 19, amended	997
Chapter 588, Volume 17, amended	1008
Chapter 209, Volume 19, amended	1010
Chapter 207, Volume 17, amended	1018
Section 1, Chapter 178, Volume 18, amended	1018
Chapter 238, Volume 19, amended	1021
Chapter 175, Volume 18, amended	1023
Chapter 242, Volume 19, amended	1024
Section 25, Chapter 642, Volume 18, amended	1068
Section 26, Chapter 152, Volume 15, amended	1073
Chapter 161, Volume 18, amended	1075
Chapter 232, Volume 19, amended	1076
Chapter 126, Volume 14, amended	1077
Chapter 460, Volume 15, amended	1081
An act to reincorporate the town of Milton, passed at Dover, March 3, 1881, amended	1081
An act to reincorporate the town of Milton, passed at Dover, March 3, 1881, amended	1082
Chapter 169, Volume 18, amended	1083
Chapter 479, Volume 13, amended	1108
Chapter 229, Volume 19, amended	1109-1112
Chapter 77, Revised Code, amended	1113
Chapter 617, Volume 17, as amended by Chapter 247, Volume 19, amended	1117
Section 29, Chapter 85, Revised Code, amended	1119
Section 4, Chapter 99, Revised Code, amended	1125
Section 2, Chapter 562, Volume 14, amended	1131
Chapter 94, Volume 14, (being Chapter 3, Revised Code,) amended	1132
Section 1, Chapter 128, Revised Code, amended	1133
Chapter 223, Volume 17, amended	1137

ACTS EXCLUDED FROM PUBLICATION—

Titles of	1199-1224
---------------------	-----------

ACTS EXTENDED, RENEWED AND REVIVED—

An act granting to Wm. A. Atkinson the title of this State to a certain tract of salt marsh herein mentioned	626
Sections 12 to 20, Chapter 390, Volume 13	630
Chapter 371, Volume 14	651
Sections 40, 41, 42, 43, 44, 45 and 4 of Chapter 18 of the Re- vised Code	660
Act incorporating the Wright Marsh Ditch Company	810
Acts incorporating the Kent and Sussex Ditch Company	816
An act to enable the owners of the marsh meadow near Newport, called Conrad's Cripple, to keep the banks, dams and sluices in repair, and to raise a fund to defray the expenses of, and the acts supplementary thereto	822
Chapter 306, Volume 8, and Chapter 514, Volume 16	962

ACTS PRIVATE—

- An act to revive and extend the time for recording 627
 An act to amend Chapter I, Volume 13, Laws of Delaware, (being
 part of Chapter 4, page 24, of the Revised Code) 627
 (See *Private Acts*.)

ACTS REPEALED—

- Chapter 390, Volume 13 629
 An act to repeal an act entitled "An act providing revenue for
 this State, Chapter 390, Volume 13, Laws of Delaware,"
 passed at Dover, March 22d, 1893 630
 Section 6, Chapter 384, Volume 16 631
 Chapter 28, Volume 19, Laws of Delaware 633
 Chapter 30, page 78, Volume 19 651
 A supplement to an act entitled "An act in relation to the collec-
 tion of taxes in Kent and Sussex counties," passed at Dover,
 March 23d, 1893 655
 Chapter 42, Volume 19 667
 Section 1, Chapter 32, Revised Code 667
 Chapter 44, Volume 19 671
 Section 3, Chapter 25, Volume 18 672
 Chapter 47, Volume 17 687
 Chapter 131, Volume 19 765
 Sections 1, 2, 3, 4, 5, 6, 7 and 8, Chapter 55, Revised Code;
 Chapters 10, 13, 14, 19 and 363, Volume 14; Chapters 230 and
 452, Volume 11; Chapters 13 and 384, Volume 15; Chapters
 20, 311, 390 and 442, Volume 16; Chapters 9, 10, 84, 86 and
 420, Volume 17; Chapters 4, 5, 6, 248, 463, 557, 562 and 587,
 Volume 18; Chapters 128, 129 and 133, Volume 19 769
 Chapter 155, Volume 19 830
 Chapter 575, Volume 18, and Chapter 172, Volume 19 850
 Chapter 194, Volume 18, as amended by Chapter 668, published
 in Chapter 669, Volume 18 984
 Chapter 223, Volume 19 1006
 An act to reincorporate the Town of Dover, passed at Dover.
 February 27, 1879, as amended 1056
 An act to authorize the Levy Court for Kent County to increase
 the appropriation to the Town of Dover, etc. 1058

ACTS SUPPLEMENTARY—

(See *Supplements*.)

ADAMS, EFFIE F.—

- Title of act to divorce from her husband, Fred. A. Adams . . . 1229

ADJOURNMENTS—

- From time to time 1142, 1146, 1151, 1163, 1167, 1182
 Sine die 1190
 (See *Resolutions*.)

ADJUTANT-GENERAL—

- Joint resolution in relation to report of 1153
 Authorized to have printed 500 copies of his report to the Governor
 nor 1153
 (See *Arms, Public, and Defense.*)

ADMINISTRATION OF ESTATES—

(See *Partnership.*)

ADMINISTRATORS—

(See *Executors.*)

ALLEN, AMANDA C.—

- Title of act for the benefit of 1222

ALIENS—

- Act in relation to the estate of 1114-1115
 Conveyances to, prior to February, 1893 1114
 Conveyances from, declared legal 1114
 Mortgage taken by, declared effectual 1114
 Title of widow or child of, dying prior to January, 1893 1115
 Conveyance by widow or child valid 1115
 Acknowledgments before consular agents prior to February, 1893,
 valid 1115
 Evidence of 1115

AMENDED CODE—

(See *Revised Statutes.*)

AMENDMENT—

- To the Constitution of the State of Delaware 614
 Ratification of 615
 To the Constitution of the State of Delaware 616
 Ratification of 616
 To the Constitution of the State of Delaware 617
 Publication of 617
 (See *Constitution.*)

AMERICAN LEATHER COMPANY—

- Title of act to amend the certificate of charter of the 1212

ANCIENT ORDER UNITED WORKMEN HALL COMPANY,
OF DELAWARE—

- Title of act to incorporate 1215

ANIMALS—

(See *Strays.*)APOLLO CASTLE, No. 2, KNIGHTS OF THE GOLDEN
EAGLE OF STATE OF DELAWARE—

Title of act to incorporate 1206

APPROPRIATIONS—

(See *Arms, Public, and Defense.*)(See *Attorney General.*)(See *Delaware College.*)(See *Infectious and Contagious Diseases.*)(See *Levy Court.*)(See *Resolutions.*)(See *Robinson, Alfred P., executrix of.*)(See *State College for Colored Students.*)(See *Society for Prevention of Cruelty to Animals.*)(See *Society for Prevention of Cruelty to Children.*)(See *Secretary of State.*)(See *State Treasurer.*)(See *World's Columbian Exposition.*)(See *Wilmington City.*)

ARMS, PUBLIC, AND DEFENSE—

(See *Troop B Association.*)

ARMSTRONG, EMMA J.—

Title of act to divorce, from her husband, Benjamin D. Arm-
strong 1232

ARTHURS, MATTHEW—

Title of act to divorce from his wife, Angeline Arthurs 1232

ASKETUM TRIBE, NO. 25, IMPROVED ORDER OF RED
MEN, OF DAGSBORO, DELAWARE—

Title of act to incorporate 1208

ASSESSMENT AND COLLECTION OF TAXES—

(See *Assessors.*)(See *Collectors.*)(See *Levy Court.*)(See *Taxes.*)

ASSESSORS—

An act to provide for an annual assessment for Wilmington hun-
dred, New Castle county 649

ASSESSORS—CONTINUED.

To make annual assessment in Wilmington hundred; compensation how payable	649
An act to provide for two assessors and two collectors for Mispillion hundred	624

ASSOCIATIONS AND UNIONS OF WORKINGMEN—

(See *Trade Marks*.)

ATKINSON, WM. A.—

Revival of act granting title to certain salt marsh	626
---	-----

ATKINS, SARAH E.—

Title of act to divorce, from her husband, Allan R. Atkins	1229
--	------

ATLANTIC CONSTRUCTION COMPANY—

Title of act to incorporate	1210
---------------------------------------	------

ATTORNEY GENERAL—

Duty of, to prosecute violations of the laws relating to oysters	772-801
Committee to settle with ex-Attorney General John Biggs	1170
Joint resolution appointing committee to settle with	1177
Authorized to collect certain claims of State against United States	1186
Joint resolution appropriating \$400 to the contingent expenses of the office of	1187

AUDITOR OF ACCOUNTS—

Duty of under an act in relation to public schools	688-89
Joint committee to settle with	1143
Joint resolution appointing	1147

AUGUSTINE MARSH—

An act in relation to	856
(See <i>Roads</i> .)	

B

BAILEES—

Conversion of property by, a misdemeanor	1134
Punishment	1134

BAINARD, LEA—

Title of act to divorce, from her husband, Eben Bainard	1233
---	------

BALLOT—

Act to amend an act to provide for the secrecy and purity of the 665

BANKS—

Joint resolution appointing directors on the part of the State for
the Farmers' Bank of the State of Delaware 1172
A further supplement to the act incorporating the Farmers' Bank
An act making Saturdays, from June to September, inclusive,
half holidays for banking and trust company purposes in New
Castle county 887
Saturday a legal holiday from June 1 to September 30, inclusive . 887
Bills, demand and acceptance 887

BALDWIN, ELLA—

Title of act to divorce, from her husband, George Z. Baldwin . . 1228

BASTARDS—

An act to amend Chapter 77, Revised Code 1113
Father to support, till ten years old 1113
Recognizance increased to \$300 1113
Bond for maintenance increased to \$300 1113
Allowance for maintenance 1113
Recognizance on appeal increased to \$300 1113

BAYARD LEGION DEMOCRATIC CLUB—

Title of act to incorporate 1214

BENEDICTINE ORDER OF THE SACRED HEART, OF
WILMINGTON, DELAWARE—

Title of act to incorporate 1213

BEGGS, LOUISA—

Title of act to divorce, from her husband, Franklin T. Beggs . . 1227

BLIND—

Resolution relating to the 1171

BOARD OF HEALTH—

An act to further amend an act entitled "An act to revise and
consolidate the statutes relating to the city of Wilmington,"
passed April 13, 1883 983

BOARD OF PUBLIC EDUCATION—

(See *Wilmington City*.)

BOARD OF TRADE OF THE CITY OF NEW CASTLE—

Title of act to incorporate	1208
---------------------------------------	------

BOUNDARIES—

Act to protect the marks of the boundaries of this State	624
Commissioners appointed to run and mark the division line between the counties of Kent and Sussex	1168
(See <i>Assessors.</i>)	
(See <i>Brandywine hundred.</i>)	
(See <i>Cedar Creek hundred.</i>)	
(See <i>Mispollion hundred.</i>)	
(See <i>Pencader hundred.</i>)	
(See <i>Wilmington city.</i>)	

BRANDYWINE HUNDRED—

An act to amend Chapter 6, Volume 19 of the Laws of Delaware entitled "An act dividing the Brandywine Hundred West Election District into two election districts"	621
Districts, boundaries of changed	621
Places of voting	621
An act to amend Chapter 82, Volume 12, Laws of Delaware, entitled "An act dividing Brandywine hundred into two election districts," as amended	622
Election districts in	622
Act in relation to roads and highways in	857
Election of supervisors	857
Division of hundred into districts	857
Supervisors appointed	858
Term of office and meetings	858
Duties of supervisors	858-9
Repair of roads and highways	859
Notice of beginning of repairs	859
Tax payers may work	859
Division roads	859
Supervisors' accounts	860
Return to county commissioners	860
Audited accounts, where to be posted	860
Compensation of supervisors	860
Per diem for work upon the roads	860
Semi-annual settlement of claims	860
Clearing roads of snow	860
Borrowing money	861
Vacancies	861
Neglect of duty a misdemeanor	861
Punishment	861
Election, officers of	861
Expenses of election, how paid	862
Places of holding elections	862
Deposit of funds	862

•BRANDYWINE HUNDRED—CONTINUED.

Inconsistent laws repealed	862
Officers to comply with act of April 19th, 1889	862
(See <i>Elections.</i>)	

BRANDYWINE HUNDRED ASSOCIATION FOR THE RECOVERY OF STOLEN HORSES, &c.—

Title of act to revive, extend and renew the act to incorporate the	1215
---	------

BRANDYWINE HUNDRED MUTUAL HORSE COMPANY FOR THE RECOVERY OF STOLEN HORSES—

Title of act to reenact, revive and renew the act to incorporate the	1201
--	------

BRANDYWINE LODGE, No. 18, INDEPENDENT ORDER OF ODD FELLOWS, OF HIGHLANDS, DELAWARE—

Title of act to incorporate	1203
---------------------------------------	------

BRIBERY—

An act concerning	664
Misdemeanor to bribe or attempt to bribe election officer	664
Penalty.	664

BRIDGES—

(See *Roads and Bridges.*)(See *Wilmington City.*)(See *Levy Court.*)

BRIDGEVILLE—

An act to amend Chapter 136, Volume 14, Laws of Delaware, relating to the town of Bridgeville	1077
Date of town election, change of	1077
Judge of election, how chosen	1077
Taxes, how assessed and collected	1077-1078
Dog tax, rates of	1078-1079
Proceedings for paving streets; expenses, by whom borne	1079-1080
Appropriation for streets, increase of	1080
Parts of Chapter 126, Volume 14, in force	1080

BROOME STREET IMPROVEMENT COMPANY—

Title of act to incorporate	1199
---------------------------------------	------

BROWN, MARY ELIZABETH—

Title of act to divorce, from her husband, Wm. J. Brown	1226
---	------

BUFFINGTON MEDICINE COMPANY—

Title of act to incorporate	1215
---------------------------------------	------

BUILDING AND LOAN ASSOCIATIONS—

(See *Incorporations.*)

BURNITE, WILBUR H.—

Joint resolution appointing, State Treasurer 1147

BUTTONWOOD STREET—

An act to vacate a portion of, in the city of Wilmington 1007
(See *Wilmington City.*)

C

CALMAR CONSTRUCTION COMPANY—

Title of act to incorporate 1210

CANNON, CARRIE G.—

Title of act to divorce, from her husband, George W. Cannon, . 1225

CAPE HENLOPEN CITY—

Change of name to Rehoboth 1109

CASHO MACHINE COMPANY—

Title of act for renewal of charter of 1199

CASTLE 16, KNIGHTS OF GOLDEN EAGLE, OF ROXANA,
DELAWARE—

Title of act to incorporate 1207

CAREY, JOSEPH F.—

Title of act to divorce, from his wife, Annie E. Carey 1232

CATTLE—

(See *Infectious and Contagious Diseases.*)

CEDAR CREEK HUNDRED—

Act to lay out new public road in 879.
An act to change the voting place in the South Milford Election
District, in Cedar Creek Hundred, Sussex County, Delaware . 623.
Place of voting in, changed 623.

CENTRAL CEMETERY COMPANY—

Title of act to incorporate 1215.

CHOSEN FRIENDS' CASTLE, KNIGHTS OF THE GOLDEN EAGLE, OF STATE OF DELAWARE—

Title of act to incorporate 1207

CHANDLER, EBE—

Farm transferred to districts 97, 97½, 135, 135½, Sussex county 738

CHESTER AND WILMINGTON ELECTRIC RAILWAY COMPANY—

An act to incorporate the 950
 Commissioners and subscription of stock; capital 950
 Corporate name, powers 951
 Meeting; management; annual meeting 951
 Officers, election of; bond 952
 Location; crossings, how constructed 952
 Lands, proceedings for acquiring 953
 Object; motive power 954
 Certificates; dividends 954
 Elections; failure to hold not to dissolve corporation 954-55

CHRISTIANA HUNDRED—

Act authorizing the widening of a road in 854

CIGARETTES—

(See *Crimes and Punishments.*)

CITIES AND TOWNS—

(See *Bridgeville.*)
 (See *Camden.*)
 (See *Clayton.*)
 (See *Dover.*)
 (See *Frederica.*)
 (See *Felton.*)
 (See *Georgetown.*)
 (See *Laurel.*)
 (See *Milton.*)
 (See *Millsborough.*)
 (See *Middletown.*)
 (See *Magnolia.*)
 (See *Newark.*)
 (See *New Castle.*)
 (See *Odessa.*)
 (See *Rehoboth.*)
 (See *Smyrna.*)
 (See *Wyoming.*)
 (See *Wilmington City.*)

CITIZENS' LIGHT AND POWER COMPANY, OF DOVER,
DELAWARE—

Title of act to incorporate 1218

CITY SOLICITOR—

(See *Wilmington City*.)

CITY OFFICERS—

(See *Wilmington City*.)

CLAIMS—

Joint resolution authorizing the Attorney General to collect,
against the United States 1186-1187
Joint resolution for the payment of, against the State 1193

CLAYMONT HALL COMPANY—

Title of act to incorporate 1211

CLAYTON—

Act to amend charter of Town of 1083
Lien of costs of streets and repairs 1083
Priority of lien 1083
Authority to lay out streets 1083
Compensation for lands taken 1084
Proceedings on appeal by landowner 1084
Acts declared valid 1084

CLENDANIEL, JACOB—

Title of act to divorce, from his wife, Mary T. Clendaniel 1231

CLERKS OF THE TWO HOUSES—

Salaries of 666
Joint committee to settle with 1169
Authorized to omit reports of State officers in publication of
Journals 1190

CLERKS OF THE PEACE—

(See *Levy Court*.)

(See *Schools*.)

CLIFTON, JAMES A.—

Joint resolution to pay, \$149 1154

COATES, JAMES H.—

Title of act to divorce, from his wife, Lelia M. Coates 1233

COLD SPRING ICE AND COAL COMPANY—

Title of act to incorporate 1202

COLE, AMANDA M.—

Title of act to divorce, from her husband, Allen H. Cole 1226

COLLECTORS—

An act providing two assessors and two collectors for Mispillion
Hundred 624
Appointment of 625
Act in relation to collection of taxes in Kent and Sussex Counties . 650
Notice of readiness to receive taxes 650
Further notice 650
Allowance by Levy Court of delinquencies to collector 650
Collector to sit with Registrar and Board of Registration to re-
ceive taxes 651
Notice by Collectors 651
Chapter 30, Page 78, Volume 19, repealed 651
Chapter 371, Volume 14, revived 651
Section not to apply to New Castle county 651
Supplement to act of March 23, 1893 652
Further supplement to act of March 23, 1893 653
Certified delinquent lists allowed for year 1892, to be delivered to
collectors for 1893 653
Collectors to give notice 654
Contents of notice 654
Sittings to receive taxes 654
Liability on official bonds 654
Return to the Levy Court 654
Delinquencies 655
Affidavits of Collectors 655
Delivery of duplicate for 1893 655
Penalty for refusal to perform duties 655
Supplement of March 31, 1893, repealed 655
An act in relation to Tax Collectors 656
Duty of Collectors to write taxables name in receipt in ink . . . 656
An act in relation to the collection of taxes 656
Impersonating an elector to procure tax receipt a misdemeanor . 656
Penalty 656
(See *Taxes*.)

COLLEGES—

Act to more fully effect the endowment and support of colleges
for the benefit of Agriculture and Mechanic Arts 742
Six thousand dollars appropriated to Delaware College for build-
ing purposes 743
Act to amend an act to establish and maintain College for Col-
ored Students, etc 743

COLLEGES—CONTINUED.

Change of name of College	743
Quorum of Board of Trustees	743
\$1000 appropriated to State College for Colored Students	1185

COLUMBIAN HOTEL COMPANY—

Title of act to incorporate	1213
---------------------------------------	------

COMMISSIONERS—

On quarantine site	1197
To run and mark division line between the counties of Kent and Sussex	1168
Duties and compensation	1168-9
(See <i>Resolutions.</i>)	

COMMITTEE—

Legislative	1169
(See <i>Resolutions.</i>)	

COMBS, ANN E.—

Title of act for relief of	1222
--------------------------------------	------

COMEGYS, JOSEPH P.—

Joint resolution in relation to the resignation of	1149
Committee to prepare resolutions upon the death of	1157

CONRAD'S CRIPPLE—

Owners of, reincorporated	822
-------------------------------------	-----

CONSTABLES—

An act in relation to	669
Settlement of accounts of fines and forfeitures	669
Neglect a misdemeanor	669
Duty of, to appear before State Auditor	669
To take duplicate receipts	669
Violation of duties a misdemeanor; penalty	669
Act to amend Chapter 47, Volume 19 of Laws of Delaware . . .	670
State detectives to be paid monthly	670
Special, for Delaware State Hospital at Farnhurst	670
Governor to appoint	670
Term of office	670
Oath of office to be recorded	671
Powers of constables	671
Revocation of commission	671
Chapter 44, Volume 19, Laws of Delaware, repealed	671

CONSTABLES—CONTINUED.

Joint resolution authorizing State Treasurer to pay certain State Constables	1167
Joint resolution in relation to the payment of certain special Constables	1183
Certificate of Secretary of State and Chief Constable	1184
<i>(See Delaware State Hospital at Farnhurst.)</i>	

CONNER, ELLEN—

Title of act to divorce, from her husband, John Conner	1229
--	------

CONROY, WILHELMINA—

Title of act to divorce, from her husband, Wm. H. Conroy	1231
--	------

CONSTITUTION—

Act ratifying a proposed amendment to Article 9 of the	613-15
Act ratifying amendment to first clause of first section of article 4 of the	616
Proposed amendment to third section of Article 6 of the	617
An election for a convention to revise, alter and amend the	618

CONSTITUTIONAL CONVENTION—

Act prescribing the next general election as the proper occasion for ascertaining the sense of the people in respect to calling a	618
Ballots, form of	618
Duty of sheriff, clerk of peace and election officers	619
Delivery of returns and certificates	619
General Assembly to canvass vote	619
When convention may be called	620
Duty of officers in relation to return of election	620
<i>(See Constitution.)</i>	
<i>(See Elections.)</i>	

CONVEYANCES—

By aliens	1114
An act to make valid the record of certain deeds	1116
Record of deeds signed and sealed prior to January, 1880, valid, notwithstanding improper acknowledgment	1116
Act to amend Chapter 617, Volume 17, as amended	1117
Sale of lands under execution by sheriff who dies before confirmation, or, after confirmation and before execution of deed	1117
Act to enable married women to sell and convey their separate real estate in certain cases	1118
Abandoned married women may sell separate real estate	1118
Acknowledgment of conveyance	1118
Deed; when effectual	1118
<i>(See Aliens.)</i>	
<i>(See Deeds.)</i>	
<i>(See Sheriff.)</i>	

CONOWAY, MINOS—

- Act providing for special election to fill the vacancy in the House
of Representatives occasioned by the death of 660
- Joint resolution appointing joint committee to recommend appro-
priate action as a mark of respect to the memory of 1178
- Permission granted to introduce bill providing for an election to
fill vacancy caused by the death of 1179
- (See *Elections.*)

COOCH BROTHERS—

- Property transferred from District 103 to District 54, New Castle
county 736

CORINTHIAN LODGE, No. 1, SHIELD OF HONOR, OF
THE STATE OF DELAWARE—

- Title of act to incorporate 1209

CORK, MARY—

- Title of act for relief of 1222

CORPORATIONS—

- An act to amend Section 10, Chapter 147, Volume 17, Laws of
Delaware 898
- Provisions of act extended to include homestead companies 898
- A supplement to the act entitled "An act concerning private cor-
porations," passed at Dover, March 14, 1883 899
- Building and loan associations not required to pay in capital be-
fore beginning business 899
- Corporator dying, powers vested in survivors 899
- An act in relation to foreign corporations doing business in this
State 900
- Required to file copy of charter; payment of State tax 900
- (See *Incorporations.*)
- (See *Roman Catholic Religious Societies.*)

COSTA PRINTING AND PUBLISHING COMPANY—

- Title of act to incorporate 1215

COUNTY TREASURER—

- (See *Insane.*)
- (See *Levy Court.*)
- (See *Poor.*)

COURT OF ERRORS AND APPEALS—

- (See *Courts of Justice.*)

COURT OF GENERAL SESSIONS—

(See *Courts of Justice.*)

COURTS OF JUSTICE—

Act in relation to special sessions of courts of justice	1123
Chancellor authorized to call special sessions of Court of Errors and Appeals	1123
Powers of	1123
Chief Justice authorized to call special sessions of Superior Court	1123
Powers of	1123
Duty of Prothonotary	1124

COW HOUSE AND SAUNDERS BRANCH DITCH COMPANY—

Act to provide a new assessment for	830
---	-----

CRIMES AND PUNISHMENTS—

Misdemeanor to deface boundary line monuments; penalty . . .	624
Penalty for violation of act to encourage consumption of grain, etc . . .	631
Penalty for refusal of officers to perform duties under law pertaining to collection of taxes	655
Misdemeanor to impersonate an elector for purpose of procuring tax receipt; penalty	656
Penalties for persons violating provisions of law applying to special election	662
Misdemeanor to bribe or attempt to bribe an election officer; penalty	664
Amendments to the act prescribing penalties under registration laws	663-664
Neglect of sheriffs and constables to settle accounts of fines and forfeitures a misdemeanor; penalty for neglect of duty . . .	669
Penalty for person in charge of public institution to refuse to report to the Board of Health	753
Penalty for neglect of duty under law relating to the Board of Health	755
Misdemeanor for an officer to commit vagrant in certain cases; penalty	763
Penalties provided for violating act for the protection and increase of food fish in Delaware waters	765
Penalties for violation of provisions of act in relation to shad fishing in Broadkilln river	766
Penalty for catching trout or bass less than six inches in length in New Castle county	768
Dredging for oysters in Delaware bay deemed larceny; punishment	769
Taking oysters from the plantation of another deemed larceny; punishment	770

CRIMES AND PUNISHMENTS—CONTINUED.

Penalty for planting oysters within certain limits	771
Seizure of boat for violation of oyster laws	771
Penalty for false swearing under provisions of oyster laws	777
Unlawful to take oysters from plantation of another	777
Unlawful for planters to dredge, except in April, May and June; unlawful to take oysters at night or on Sunday; unlawful to take oysters in July and August	777
Seizure of vessels by watch boat for violations of law	780
Misdemeanor to resist crew of watch boat; when a felony; when murder; penalties	783
Penalty for fraudulent statement by revenue collector	789
Unlawful to dredge for oysters in creeks or rivers, or in Broad- kilk sound; penalty	793
Unlawful to take oysters from certain creeks or rivers for the pur- pose of planting same in Delaware bay; penalty	795
Carrying away the oysters from plantation of another deemed lar- ceny	799
Penalty for killing ducks on the marshes in the night time	802
Unlawful to kill partridge or pheasant before November 1, 1894	802
Penalty for obstructing ditch	815
Penalty for obstructing ditches	820
Penalty to hinder removal of obstructions	821
An act to permanently improve the condition of certain public roads in New Castle county	843
Misdemeanor for supervisors of roads in Brandywine hundred to neglect duties; punishment	861
Misdemeanor to counterfeit trade mark, label, or form of advertise- ment adopted by union or association of workingmen; penalty	895
Misdemeanor to use genuine label, etc., without authority; penalty	896
Unlawful for express company to discriminate against this State in charges; penalty	897
Unlawful for foreign corporations to transact business in this State without license; penalty	900
Unlawful to damage property of the Middletown Electric Railway Company; penalty	932
Misdemeanor to damage or obstruct works of Gordon Heights Railway Company; penalty	944
Misdemeanor to damage property of Chester and Wilmington Electric Railway Company; penalty	960
Commitment of inebriates to custody of the Sanitarium Company of Wilmington, Del.	969
Misdemeanor to obstruct or damage works of the Delaware Pneumatic Tube and Delivery Company	979
Punishment	980
Misdemeanor to impersonate a voter; penalty	986
Penalty for violation of the election laws of the City of Wilming- ton	991
Misdemeanor to use badges or uniforms of police department of Wilmington; penalty	1004

CRIMES AND PUNISHMENTS—CONTINUED.

Penalty for police officer to enter drinking saloon except in discharge of duty	1004
Penalty for violation of law by police officers of Wilmington	1005
Penalty for injury to light and water plant of Middletown	1029
Violations of ordinances of town of Dover	1043
Unlawful assemblages; drunken or disorderly persons on the streets of the town of Dover, punishment of	1044-5
Fireworks, nuisances prohibited, fines and abatements	1045-6
Misdemeanor for constable of Dover to neglect duty; punishment	1048
Unlawful to allow unregistered dog at large in the town of Odessa	1068
Penalty for damages to electric light plant in the town of Smyrna	1089
Violations of ordinances of town of Georgetown; proceedings	1095
Misdemeanor for a constable of Georgetown to neglect duties; punishment	1104
Neglect of alderman of Rehoboth to deliver books to his successor a misdemeanor; punishment	1111
An act to amend Chapter 77, Revised Code	1113
An act permitting persons accused of crime to testify in their own behalf	1126
An act to amend Section 1, Chapter 128, Revised Code	1133
Arson, what shall constitute	1133
Arson in second degree, what shall constitute; penalty	1133
An act concerning the conversion of property by bailees	1134
Misdemeanor for bailee to convert money or property to his own use; punishment	1134
An act prohibiting the sale of cigarettes to minors under the age of 17 years	1134
Misdemeanor to sell or give to, purchase or procure for minor, under 17 years, cigarettes or cigarette papers; punishment	1134
An act in relation to extortion	1135
Misdemeanor to extort money or property by threats or writings; punishment	1135
An act to prevent the accomplishment of frauds upon the General Assembly by means of deceptive and tricky amendments or additions to acts	1136
An act to amend Chapter 223 of Volume 17, Laws of Delaware, in relation to requisitions for fugitives from justice	1137
Demand on Governor for fugitive from justice, to be made in conformity with acts of Congress	1137
Proceedings for arrest and hearing of fugitive from justice found in this State	1137
Fugitive to be allowed a reasonable opportunity for proceedings to determine the legality of arrest	1137
Misdemeanor to fish for menhaden without license; punishment	1188
Commissioner of fisheries authorized to arrest for violation of law relating to menhaden fishing	1188
(See <i>Elections</i> .)	
(See <i>Fish, Oysters and Game</i> .)	
(See <i>Prisons</i> .)	

CRUELTY TO ANIMALS—

Joint resolution in relation to the Delaware Society for the prevention of	1172
Two hundred and fifty dollars appropriated to the Delaware Society for the prevention of	1172

CRUELTY TO CHILDREN—

Joint resolution in relation to paying the Delaware Society for the prevention of	1168
\$600 appropriated to the society for the prevention of	1168

CUMMINS, SALLIE—

Title of act to divorce, from her husband, Jefferson Cummins . .	1229
--	------

D

DAGSBORO HUNDRED—

Act authorizing the laying out of a public road in	885
(See <i>Roads</i> .)	

DAVIS SPRING PLATE COMPANY—

Title of act to amend certificate of incorporation of	1212
---	------

DEAF, DUMB AND BLIND—

An act to amend Chapter 58, Volume 15, Laws of Delaware . .	758
Deaf mutes, private instruction of	758
Warrant of Governor, how drawn	759
Time of instruction, how extended	759
Place of instruction, parents may elect the	759
Superintendent of free schools, duty of	759
Joint resolution relating to the	1171
(See <i>Blind</i> .)	

DEBT—

Justice's jurisdiction in civil cases of	1125
Special bail, discharge of	1125

DEEDS—

Act to authorize the recorder of, in Sussex county, to make new indexes	673
Deeds by aliens	1114-15
An act to make valid a record of certain deeds	1116
Deeds by sheriffs, successors to sheriffs who die in office	1117
Deeds by abandoned married women	1118

DEEDS—CONTINUED.

Acknowledgment of	1118
When effectual	1118
A resolution in relation to certain deeds	1197
Successor to Robert G. Dunn, late sheriff of Kent county, authorized to execute certain	1197
(See <i>Acts, Private.</i>)	
(See <i>Conveyances.</i>)	
(See <i>Sheriffs.</i>)	

DELAWARE AND CHESAPEAKE TOW BOAT COMPANY
AND CLYDE STEAMSHIP COMPANY—

Act for relief of	1214
-----------------------------	------

DELAWARE COLLEGE—

(See *Colleges.*)

DELAWARE DETECTIVE AGENCY—

Title of act to incorporate	1214
---------------------------------------	------

DELAWARE DISTILLING COMPANY—

Title of act to incorporate	1202
---------------------------------------	------

DELAWARE GRANITE AND MINING COMPANY—

Title of act to incorporate	1218
---------------------------------------	------

DELAWARE HOMESTEAD COMPANY—

Title of act to incorporate	1214
---------------------------------------	------

DELAWARE INDUSTRIAL SCHOOL FOR GIRLS—

An act to incorporate the	745
Incorporators, corporate name, powers	745
First meeting, how called	745
Complaints, where preferred	745
Hearing, commitment	746
Agreement for pupil's expenses, enforcement of	746
Commitment after hearing suspended	746
Instruction of girls under charge of school, nature of	746-747
Annual appropriation, when payable	747
Failure to pay on the day, effect of	747

DELAWARE LABOR AND INDUSTRIAL COMPANY, OF
THE STATE OF DELAWARE, IN THE CITY OF
WILMINGTON—

Title of act to incorporate	1217
---------------------------------------	------

DELAWARE PNEUMATIC TUBE AND DELIVERY COMPANY—

An act to incorporate the Delaware Pneumatic Tube and Delivery Company	975
Commissioners; capital stock	975
Company, when to be a corporation; corporate title, powers; object	976
Capital stock; may borrow money; how secured	977
Management to be by board of directors; how elected; term of office; duties; vacancies, how filled	977
Meeting, time, place and notice of	977
Elections, how held; annual meeting, when and where held; special meetings	978
Changes in by-laws, how effected; provisions	978
Taking of private property for use of corporation	978
Appointment of commissioners, notice	978
Assessment of damages; payment of	978
Title; proviso; right of writ of <i>ad quod damnum</i>	978
Assessment made by jury final; adjustment of damages; costs, by whom paid	979
Work not to be delayed by application for writ	979
Obstruction or damaging of property a misdemeanor; punishment	979

DELAWAREAN PRINTING COMPANY—

Title of act to incorporate	1218
---------------------------------------	------

DELAWARE PUBLISHING COMPANY—

Title of act to incorporate	1208
---------------------------------------	------

DELAWARE RAILROAD COMPANY—

Further supplement to the act incorporating the	902
May construct branch road from Middletown to Maryland line	902
Act not to limit powers conferred by other acts	902

DELAWARE RIVER TRANSPORTATION COMPANY—

Title of act to incorporate	1212
---------------------------------------	------

DELAWARE SHADE TREE COMPANY—

Title of act to incorporate	1200
---------------------------------------	------

DELAWARE SOCIETY FOR PREVENTION OF CRUELTY TO ANIMALS—

Joint resolution relating to	1172
--	------

DELAWARE SOCIETY FOR PREVENTION OF CRUELTY TO CHILDREN—

Joint resolution relating to	1168
--	------

DELAWARE STATE HOSPITAL AT FARNHURST—

Governor to appoint constables for 670
 (See *Constables*.)

DELAWARE TRIBE, NO. 1, IMPROVED ORDER OF RED
MEN, OF DELAWARE—

Act to renew charter of 1204

DERRICKSON, ISAAC—

Farm of, transferred from district 134 to district 140, Sussex
 county 1139

DETECTIVES—

State detectives to be paid monthly 670

DIAMOND LODGE, NO. 16, KNIGHTS OF PYTHIAS, OF
DELAWARE—

Title of act to incorporate 1200

DIAMOND STATE CIRCLE, NO. 3, ORDER OF BROTHER-
HOOD OF THE UNION, OF NORTH MILFORD, DEL-
AWARE—

Title of act to incorporate 1205

DICK, WALTER J.—

Title of act to divorce, from his wife, Lida A. 1233

DIGEST—

(See *Reports*.)

DILL, LIZZIE—

Title of act to divorce, from her husband, Henry F. Dill 1226

DIRECT TAX—

(See *Tax, Direct*.)

DISTILLER—

An act to encourage the consumption of grain and raise revenue
 for State purposes 630
 To procure license from State Treasurer; limitations of 631
 License fee 631
 (See *License*.)

DITCHES—

Act to incorporate the Vines Branch Ditch Company	807
Corporate powers	807
Taxables	807
Powers of managers	808
Annual meeting, where held; officers to be chosen	808
Other meetings; notice of	808
Voting	808
Power of treasurer to collect tax; bond of	809
Taxation	809
Settlement with "Vines Branch Canal,"	809
Managers; powers of majority; deciding vote	809
Compensation of managers	809
An act to revise, renew and reenact the act incorporating the Wright's Marsh Ditch Company	810
Corporate powers	810
Appraisement; certificate, record of	810
Vacancies in commission; acts of majority valid	811
Annual meeting	811
Oath of commissioners; compensation	811
An act to amend the act entitled "A supplement to an act author- izing the owners and possessors of the marsh and low grounds, commonly called and known as Tappahannah marsh, situated in the forest of Dover hundred, in Kent county, to cut a ditch or drain through the same,"	812
Collection of taxes	812
An act to incorporate Vines Branch Extension Ditch Company	812
Corporate powers	813
Location of ditch	813
Assessment; damages; return	813
Oath of commissioners; powers of majority; appeals; decision final	814
Time and place of meeting to elect officers	814
Annual meetings; occasional meetings	814-15
Accounts, payments, penalty for obstruction	815
Treasurer	815
An act to renew and reenact the several acts incorporating the Kent and Sussex Ditch Company, and to amend the same	816
Commissioners; certificates of; return of	816-17
Managers; secretary and treasurer	818
Meetings	818
Assessments, etc.	818-19
Treasurer's warrant; powers of treasurer; bond; compensation	819-20
Occasional meetings	820
Lateral ditches	820
Obstructions	820-21
Officers, vacancies, compensation	821
Corporate name	822
Oath of commissioners	822

DITCHES—CONTINUED.

An act to renew the act entitled "An act to enable the owners of the marsh meadow near Newport, called Conrad's Cripple, to keep the banks, dams and sluices in repair, and to raise a fund to pay the expenses thereof," and the acts supplementary thereto, and to amend the same	822
Collection of taxes, process for	823-24
An act to incorporate the St. Augustine Marsh Company	825
Corporate powers	825
Commissioners; duties of; certificate of; return; oath; acts of majority; vacancies	825-26
Meetings to elect managers and treasurer; special; annual . .	826-27
Assessments, lists, duplicates	827
Appeal	828
Managers, duties of; appraisers, appointment of	828
Collection of taxes	829
Injuries to banks, etc., penalty	829
Compensation of officers	829
An act to repeal Chapter 155, Volume 19 of Laws of Delaware .	830
An act to provide for the new assessment in the Cow House and Saunders Branch Ditch, in Gumboro and Broad Creek Hundreds, Sussex County	830
Commissioners, powers of, oath of	831-32
Surveyor	832
Division of ditch into four sections	832-33
Return of commission	833
Assessments of the various sections	833
Return of commissioners	834
Meeting to elect managers and treasurer	834
Powers of managers and treasurer, term of office	834
Future assessment	834
Powers of treasurer to collect taxes	835
Vacancies in commission; old levy not affected; assessment in force five years; expenses; compensation of officers	835
An act to amend an act entitled "An act to incorporate the Pepper's Creek Ditch Company," Chapter 153, Volume 19, Laws of Delaware	836
Treasurer and managers for taxables of prong ditches	836
An act to enable the owners and possessors of a certain tract of meadow ground, marsh and cripple, situated at the north end of the city of New Castle, to repair and maintain the dykes, banks and sluices belonging to the same	837
Corporate name; corporate powers	838
Meetings; election of officers	838
Commissioners to make assessments	838
Damages; equalization of assessments; return; oath of commissioners; compensation; recorder's fee; return conclusive; new assessment	839
Adjacent land owners	840
Meetings	840

DIT

DIV

DON

DOV

T
A

DITCHES—CONTINUED.

Assessment and collection of taxes	840-841
Powers and duties of managers	842
Vacancy in office of treasurer	842
Division drains	842
Compensation of officers	842
Treasurer's bond	843

DIVORCE—

An act proposing an amendment to the constitution of this State	617
Proposed exclusive cognizance of, to the Superior Court	617

DONOVAN, WILFORD B.—

Title of act to divorce, from his wife, Sallie A. Donovan	1231
---	------

DOVER—

An act to reincorporate the town of	1031
Limits of; survey and plot; record of	1031-32
Town council, qualifications, districts	1032-33
Elections, conduct of	1034
Election of alderman, powers and duties of, etc.	1035-36
Duties of president of council	1036-37
Corporate name	1037
Corporate powers	1037
Opening streets, proceedings for	1037-38-39
Ordinances; jurisdiction, extent of	1039-40
Proceedings to enforce street paving	1040-41-42
Authority of council to establish ordinances	1043
Collection of fines	1043
Town police	1043
Annual statement, publication of	1043
Ordinances concerning streets	1043-44
Council may use jail of Kent county	1044
Power of council to use town moneys	1044
Acts of majority valid; vacancies	1044
General powers and duties of town officers with respect to pre- serving the peace; proceedings	1044-45-46
Abatement of nuisances and removal of obstructions	1046-47-48
Neglect of duty by constable; punishment	1048
Election of treasurer and clerk	1048
Collector of taxes	1048
Treasurer; oath; bond; duties of	1048-49
Compensation of treasurer, clerk and assessor	1049
Election of assessor; qualifications	1049
Tax assessments; amount, how ascertained; certificate; return; appeal; notice; adjustment of assessment	1049-50-51
Taxes, list of; collector's and treasurer's powers to collect	1051-52
Abatements and additions; bond of collector	1052

DOVER—CONTINUED.

Proceedings for the collection of taxes	1052-53
Exemption of manufacturers	1053
Boundaries of extension of State street	1054
Property north of William street not to be charged for paving	1054
When real estate liable to water tax	1054
Exemption of Dover Glass Works Company	1054
Paving of streets, by whom paid; how collected; material	1054-55
Certain bridges under charge of Levy Court	1055
Term of certain officers	1055
Removal and suspension of officers	1055-56
Acts, ordinances and powers not affected by this act	1056
An act in relation to the town of Dover	1057
Court of appeal for 1893	1057
Abatement of taxes for 1893	1057

DOVER AND CAMDEN ELECTRIC RAILWAY COMPANY—

An act to incorporate the	944
Commissioners, duties of; name	944
Capital stock, limit of	945
When a corporation; corporate title, powers	945
By-laws	945
Meeting of subscribers to stock, notice of; time; place	946
Annual meeting	946
Election of directors, notice of: how elected; vacancies, how filled	946
Board of directors may take bond from officers	946
Lands, proceedings for acquiring	947
Crossings not be at grade	947
Court or judge to appoint freeholders; duties of; fees, by whom paid	947-8
Certificates of stock to be issued; how transferable; dividends	948
Failure to hold elections not to dissolve corporation; election at any time; notice of	949
May establish plant in Camden and Wyoming; time of beginning and completion	949

DOVER HOSIERY COMPANY—

Title of act to incorporate the	1199
---	------

DUPONT DE NEMOURS CEMETERY COMPANY—

Title of act to incorporate	1213
---------------------------------------	------

DUPONT, HENRY A.—

Lands of, transferred from district 26 to district 24, New Castle county	734
--	-----

E

ECONOMIC INSURANCE COMPANY OF AMERICA—

Title of act to incorporate 1200

EDUCATION—

(See *Colleges.*)
 (See *Deaf, Dumb and Blind.*)
 (See *Delaware College.*)
 (See *Delaware Industrial School for Girls.*)
 (See *State College for Colored Students.*)
 (See *Schools, Free.*)
 (See *St. Joseph's Society for Colored Missions of Wilmington.*)
 (See *Wilmington Conference Academy.*)
 (See *Wilmington City.*)

ELECTIONS—

Amendment to constitution in respect to holding special, relating
 to constitutional convention 613-14
 Amendment ratified 615
 An act ratifying a proposed amendment to the constitution of this
 State 616
 Methods of voting 616
 An act prescribing the next general election as the proper occa-
 sion for ascertaining the sense of the people in respect to call-
 ing a convention to revise, alter and amend the constitution 618
 Form of ballots 618
 Duties of sheriff, clerk of the peace and election officers 619
 Returns and certificates, to whom delivered 619
 Canvass of vote 619
 Convention to be called if vote be affirmative 620
 Duty of sheriff and other officers with respect to ballots returned,
 etc. 620
 An act to amend Chapter 33, Volume 17, Laws of Delaware 657
 Statement of contest, filing of, contents of 657
 Statement in respect to witnesses 658
 Statement to be under oath 658
 Citation for defendant 659
 Ballot boxes, ballots, lists, etc., as evidence 659
 Proviso as to contests pending 659
 An act providing for a special election to fill the vacancy in the
 House of Representatives occasioned by the death of Minos
 Conoway, Esq., late member from Kent county 660
 Laws suspended 660
 Laws specially reenacted 660
 What inspectors to hold election 661
 Ballots 661
 Hours for voting 662

ELECTIONS—CONTINUED.

Printing and distribution of this act	662
An act to amend Chapter 38, Volume 19, Laws of Delaware, passed at Dover, May 13, 1891	663
Registrar or alternate registrar, when ineligible to office	663
Sitting of registrar	663
Sitting of board of registration	663
Attempt to hinder	663
Attempt to compel registrar, etc.	664
An act concerning bribery	664
Bribing or attempt to bribe any election officer or expectant elec- tion officer a misdemeanor; penalty	664
An act to amend the act entitled "An act to provide for the secrecy and purity of the ballot," passed at Dover, May 15th, 1891	665
Manner of preparing ballot and of voting	665
An act in relation to municipal elections to be held in the City of Wilmington	984
(See <i>Boundary</i> .)	
(See <i>Brandywine hundred</i> .)	
(See <i>Cedar Creek hundred</i> .)	
(See <i>Convention</i> .)	
(See <i>Pencader hundred</i> .)	
(See <i>Wilmington City</i> .)	

EMBEZZLEMENT—

(See *Bailees*.)EMPLOYERS AND EMPLOYÉS PROTECTIVE INSURANCE
COMPANY—

Title of act to incorporate	1219
---------------------------------------	------

ENOCH MOORE & SONS COMPANY—

Title of act to incorporate	1199
---------------------------------------	------

EQUITY REPORTS—

(See *Reports*.)

EQUITABLE LAND IMPROVEMENT COMPANY—

Title of act to incorporate	1204
---------------------------------------	------

EVELYN REAL ESTATE COMPANY—

Title of act to incorporate	1210
---------------------------------------	------

EVIDENCE—

(See *Accused Persons*.)

EXECUTION—

An act to amend Section 2, Chapter 562, Volume 14, Laws of Delaware	1131
Exemption not to apply to merchandise in trade	1131
Limit of exemption in collection of debts due for services of employes	1132
An act to amend Chapter 94, Volume 14, Laws of Delaware, as printed in Chapter 3 of the Revised Code	1132
Application of proceeds of sale by a majority of the court in vacation	1132

EXECUTORS AND ADMINISTRATORS—

Act in relation to the settlement of a deceased person's interest in firms and copartnerships	1120
Duty of surviving partner to file statement of assets of firm with Register in Chancery	1120
Bond, condition of; shall pay over to executor or administrator moneys, rights, credits, etc.	1120
Duty of Register in Chancery to appoint appraisers; inventory; additional bond	1121
Failure of surviving member to comply; appointment of receiver	1121
Payment of share of deceased partner; acquittance	1122

EXEMPTION FROM TAXATION—

(See *Cities and Towns.*)
(See *Execution.*)

EXPRESS COMPANIES—

An act in relation to, doing business in this State	897
Unlawful charge, what deemed	897
Charges not to exceed rates for like service in Pennsylvania and Maryland	897
Violations of act, penalty for	897

EXTORTION—

An act in relation to	1135
Threatening letter, unlawful to send, with intent to extort money or property	1135
Other unlawful acts	1135
Oral message	1135
Misdemeanor; punishment	1135

F

FAME HOSE COMPANY OF THE CITY OF WILMINGTON—

Title of act to amend charter of	1211
--	------

FARMERS' BANK—

Act to renew charter of	901
Resolution appointing State directors for the	1172

FARNHURST—

Joint resolution to visit	1162
-------------------------------------	------

FEHRENBACH, JOHN—

Act for relief of heirs of	1223
--------------------------------------	------

FELONY—

(See *Crimes and Punishments*.)

FELTON—

An act to amend Chapter 479, Volume 13, Laws of Delaware	1108
Yearly statement to be hung in post office	1108

FENCES—

An act to amend Chapter 57 of the Revised Statutes of the State of Delaware	804
Lawful fence, what constitutes	804

FENWICK ISLAND COMPANY—

An act to incorporate the	972
Corporators; corporate title; powers	972
Corporation, object of	972
Subscriptions, payment of; increase of capital stock	973
Annual and special meetings; voting	973
Directors, how chosen; powers and duties of; vacancies, how filled	973
By-laws; dividends	974
Corporation authorized to construct railroad; location of	974
May take private property; compensation; assessment of damages; payment of	974-75
Commissioners to be sworn; award by second set final	974
Motive power; crossings not to be at grade	975

FENWICK ISLAND GUNNING CLUB—

Title of act to incorporate	1216
---------------------------------------	------

FIDELITY REAL ESTATE IMPROVEMENT COMPANY—

Title of act to incorporate	1204
---------------------------------------	------

FIRE COMPANY—

An act to revive, restore, renew and reenact an act in reference to the Water Witch Steam Fire Engine Company, No. 5, of Wilmington, Del., passed March 5, 1891	962
Power of corporation to dispose of property	962
Property of corporation invested	963
Appropriations to company by City of Wilmington	963

FISH—

An act for the protection and increase of food fish in Delaware waters	764
Unlawful to catch shad within certain limits	764
Exception as to Joseph Wood	764
Unlawful to fish from Saturday noon to midnight of Sunday	764
Governor to appoint fish policemen; duties; compensation	764
Fines; application of	765
Duties of oyster revenue collector	765
Governor to appoint oyster policemen; duties; compensation, how paid	765
Penalty for violations of act	765
Neglect of duty by officers; punishment	765
An act in relation to shad fishing in Broadkilk river	766
Unlawful to make more than one haul for shad on ebb tide or flood tide in Broadkilk river	766
Unlawful to use device to scare shad, or to leave seine across river exceeding one hour	766
Penalty for violation	766
Duty of justice of the peace	766
Seizure and sale of boat	766
Application of proceeds of sale	767
An act for the protection and preservation of fish in New Castle county	767
Unlawful to catch black bass or trout with haul seine in New Castle county	767
Lawful to catch with other nets from June 1st to November 1st	767
Lawful to take fish for artificial propagation	767
Unlawful to catch bass or trout less than six inches in length; penalty	768
Evidence	768
Penalties, how recoverable	768

FISH COMMISSIONER—

An act to amend an act entitled "An act to authorize the Governor to appoint a commissioner of fish and fisheries, and to provide for his compensation," Volume 16, Chapter 349, Laws of Delaware	680
Compensation of commissioner	680
Compensation of present commissioner	680
Duties of commissioner	681

FISH COMMISSIONER—CONTINUED.

May call <i>posse comitatus</i>	681
Report	681
Joint resolution in relation to fishing for menhaden	1188
(See <i>Fish.</i>)	

FLEETWOOD, SARAH J.—

Act to divorce, from her husband, Cyrus Fleetwood	1227
---	------

FOOKS, ISAAC N.—

(See *Joint Resolutions.*)

FOX, LUCY E.—

Title of act to divorce, from her husband, Willard S. Fox	1231
---	------

FRAUDS—

An act to prevent the accomplishment of, upon the General Assembly	1136
Parts of acts not germane to body of act repealed	1136

FRANKFORD MANUFACTURING AND FRUIT PRESERVING COMPANY—

Title of act to incorporate	1212
---------------------------------------	------

FREDERICA—

An act authorizing the laying out of a new street in the town of	1071
Town commissioners authorized to lay out a street; location of	1071
To be run on lands of James T. Postles	1071
Expense of	1072
When a public street	1072
Plot of	1072
Plot and return to be recorded	1072

FREDERICA AND PHILADELPHIA NAVIGATION COMPANY—

Title of act to incorporate	1219
---------------------------------------	------

FREDERICA RAILROAD COMPANY—

An act to authorize the directors of, to pay certain moneys to the town commissioners of the town of Frederica	911
Funds, application of, by town commissioners	911

FREE LIBRARY—

An act respecting a free library, and to increase the usefulness of the schools of Wilmington	1008
(See <i>Wilmington.</i>)	

FREE SCHOOLS—

(See *Schools, Free.*)

FREE TEXT BOOKS—

(See *Schools, Free.*)

FRIENDLY CIRCLE, NO. 2, BROTHERHOOD OF THE
UNION (H. F.) C. OF A., OF LAUREL—

Title of act to incorporate 1206

FUGITIVES FROM JUSTICE—

Act to amend Chapter 223 of Volume 17, Laws of Delaware . . 1137
Demand on Governor, how made 1137
Proceedings for arrest and hearing of 1137

G

GAHAGEN, MICHAEL—

Lands transferred from School District 91 to School District 29,
New Castle county 735

GAME—

An act to amend Chapter 137, Volume 19, Laws of Delaware . . 801
Exception as to Wilson or English snipe 801
An act for the protection and preservation of, in this State, and
for other purposes 802
Unlawful to take, kill or have in possession quail, partridge or
pheasant prior to November 1, 1894 802
Limit of gunning season 802
Unlawful to kill ducks on the marshes in the night time 802
Penalty 802
Unlawful to purchase for profit or sale quail, partridge or pheas-
ant 802
Penalty 802
Defendants' appeal, proceedings upon 803

GENERAL ASSEMBLY—

Officers of, salaries limited 666
An act to prevent the accomplishment of frauds upon the, by
means of deceptive and tricky amendments or additions to acts 1136
Committee to draft rules for the government of 1143
Convening of, to ascertain the result of the special election res-
pecting a constitutional convention 1144

GENERAL INCORPORATION ACT—

(See *Incorporations.*)

GENERAL SESSIONS—

(See *Courts of Justice.*)

GEOMETRIC DRILL COMPANY—

Title of act to incorporate	1207
Title of act to amend an act to incorporate	1217

GEORGETOWN—

Act to reincorporate the town of	1092
Limits and boundaries	1092
Exemption from taxation	1092
Plot and survey; record of	1092-93
Annual election	1093
Corporation	1093-94
Corporate title	1094
Corporate powers	1094
Alderman, jurisdiction, duties, etc.	1094-95
Other officers, term, duties, vacancies	1095
Commissioners, powers and duties of	1096
Taxation	1096
Streets, appropriations for; proceedings for laying out, etc.	1096-7-8-9
Governmental powers of commissioners	1099-1100-1101-2-3
Ordinances	1103
Peace officers, duties of	1103
Arrests and commitments	1103-4
Assessment and collection of taxes	1104-5
Special duties of town officers in respect to maintaining order	1106
Ditches, gutters, etc.	1107
Effect of act on previous laws, ordinances, obligations, etc.	1107-8

GERMANIA BUILDING AND LOAN ASSOCIATION, NO. 2—

Title of act to incorporate	1200
---------------------------------------	------

GOODALL, CHAS. W.—

Title of act to divorce, from his wife, Fanny L. Goodall	1227
--	------

GORDON HEIGHTS RAILWAY COMPANY—

Act to incorporate the	938
Commissioners	938
Corporate name	938
Corporate powers	938
Motive powers	939
Location	939

GORDON HEIGHTS RAILWAY COMPANY—CONTINUED.

Use of roads, bridges, lands, etc., how secured	939-40
Crossing tracks	940
May contract with Wilmington City Railway for transfers, etc.	940
Agreements, when binding	940
Commencement and completion of road	940
Capital stock	941
Officers and directors	941
Meeting of subscribers	941
Annual meeting of stockholders	942
Condemnation of land, proceedings for	942-43
Misdemeanor to damage property of company	944

GOVERNOR—

Approval of amendment to constitution of this State by the	615
Approval of amendment to constitution of this State by the	616
To approve an amendment to the constitution of this State	617
To appoint constables for Delaware State Hospital at Farnhurst	670-71
To appoint an additional notary public at Seaford	674
To appoint an additional notary public for the City of Wilmington	675
To appoint a notary public for a certain real estate office in the town of Smyrna	676
To appoint an additional notary public for Wilmington hundred	677
Duties of, under act for the eradication of infectious and contagious diseases among the lower animals	748-49
Duty of, to approve sanitary measures of State Board of Health	751
To appoint members of State Board of Health	752
Duty of, in placing indigent deaf and dumb children for instruction	758-59
To appoint fish policeman	764
To appoint oyster policeman	765
To appoint oyster revenue collector	787
Duties of, under act to amend Chapter 223 of Volume 17, Laws of Delaware, in relation to requisitions for fugitives from justice	1137
Committee to notify, of the organization of the two houses	1141
To report resignations of Chief Justice, and Associate Judge for Kent county, to General Assembly	1150
To employ counsel to defend certain State election officers	1151
Committee to consider Governor's message as pertaining to the World's Fair	1152
Committee to settle with, for the distribution of the direct tax	1163
To be present when seal of Secretary of State is broken	1178
To draw warrant in payment of preparation of new Revised Code	1181
To draw warrant in payment for copies of Digest of State Reports	1183
To appoint a successor to Thomas F. Hanlan, notary public for New Castle county	1193
To receive report under joint resolution relating to colonial exhibits at World's Columbian Exposition	1198

GRAND CASTLE, KNIGHTS OF THE GOLDEN EAGLE OF THE STATE OF DELAWARE—

Title of act to incorporate 1207

H

HALL, GEORGE H.—

Farm of, transferred from School Districts 2, 100, 103 and 104 to
School District 85, in Sussex county 740

HALL, HON. JOHN W.—

Joint resolution in respect to the memory of 1141

HANLAN, THOMAS F.—

Governor authorized to fill office of notary public vacated by . . 1193

HARBORS—

(See *Wilmington City*.)

HARRINGTON, JOHN S.—

Joint resolution to pay, \$25.20 1164

HAWKERS AND PEDDLERS—

An act to amend Chapter 617, Volume 18 of the Laws of Delaware relating to 894

To procure license; exempt from bond 894

HEALTH, PUBLIC—

An act to further amend an act entitled "An act to establish a State Board of Health for the State of Delaware," passed at Dover, March 13th, 1879 751

Secretary of State authorized to publish act as amended 752

An act to establish a State Board of Health for the State of Delaware, Chapter 21, Volume 16, as amended 752

Appointment of members; term of office 752

Organization, meetings for; other meetings 752-53

Duties of board; local boards 753

Penalty for refusal of person in charge of to report to State board 753

Power of State board to abate nuisances 754

Duties of secretary; compensation of 754-55

Expenses; provisions for epidemics 755

Audit of accounts 755

Neglect of duty; penalty 755

Publication of act, as amended 755

HEBRON LODGE, No. 14, INDEPENDENT ORDER OF
ODD FELLOWS, AT SEAFORD, DELAWARE—

Title of supplement to charter 1217

HENLOPEN CIRCLE, NO. 11, BROTHERHOOD OF THE
UNION, (H. F.) C. OF A., OF LEWES, DELAWARE—

Title of act to incorporate 1201

HIGHLAND'S LAND COMPANY—

Title of act to incorporate the 1209

HIGHWAYS—

(See *Wilmington City.*)
(See *Roads.*)

HOLLIS STOVE AND FURNITURE COMPANY—

Title of act to incorporate the 1200

HOLIDAYS—

Saturday a legal half holiday from June to September for bank-
ing and trust company purposes in New Castle county . . . 887
Labor Day declared a legal holiday 888
(See *Banks.*)
(See *Labor Day.*)

HOMEWOOD LAND AND IMPROVEMENT COMPANY—

Title of act to incorporate the 1203

HOPKINS, WAITMAN—

Act to divorce, from his wife, Susan Hopkins 1228

HOSPITAL—

(See *Delaware State Hospital at Farnhurst.*)

HOUSTON, HON. JOHN W.—

Joint resolution in relation to the resignation of, as Associate
Judge, resident in Kent county 1149

HUMANE ASSOCIATION OF DELAWARE—

Act to incorporate the 963
Corporators; corporate title; powers 963-64
Capital stock 964
Term 20 years 964

HUMANE ASSOCIATION OF DELAWARE—CONTINUED.

Object of corporation	964
Duty of corporators to meet for organization	964
Officers; board may appoint others	964
Annual meeting, where held; time	964
Qualifications of voters	965
Principal office at Wilmington; branch offices	965

HYNSON, H. L.—

Joint resolution to pay \$200 to	1164
--	------

I

INCORPORATIONS—

Act to amend Chapter 4, page 24, of the Revised Code	627
State tax on capital stock	627
An act in relation to Roman Catholic Religious Corporations	684
School District No. 119, Kent county, incorporated	695
Supplement to the act entitled "An act for the advancement of popular education," passed at Dover, March 13, 1891	699
Supplement to Chapter 496, Volume 18, Laws of Delaware,	704
An act in relation to Middletown schools	708
Further amendment to Chapter 459, Volume 17, Laws of Delaware	709
School District No. 61, New Castle county, incorporated	710
United School Districts 39 and 41, in New Castle county, incorporated	712
School District No. 153, New Castle county, incorporated	714
School Districts Nos. 81 and 81½, in New Castle county, incorporated	718
School Districts Nos. 77 and 99, in New Castle county, incorporated	722
An act uniting the School Districts of Seaford, passed at Dover, March 17, 1875, supplement to	731
Wilmington Conference Academy, reincorporated	744
Delaware Industrial School for Girls, incorporated	745
St. Joseph's Society for Colored Missions, of Wilmington, act in relation to	747
Vines Branch Ditch Company, incorporated	807
The Wright's Marsh Ditch Company, reincorporated	810
Tappahannah Marsh Ditch Company, supplement amended	812
Vines Branch Extension Ditch Company, incorporated	812
Kent and Sussex Ditch Company, reincorporated	816
Conrad's Cripple Marsh Company, reincorporated	822
St. Augustine Marsh Company, incorporated	825
Irons Branch Canal Company, charter repealed	830
Cow House and Saunders Branch Ditch, new assessment for	830
Pepper's Creek Ditch Company, act incorporating amended	836

INCORPORATIONS—CONTINUED.

New Castle Meadow Company, incorporated	837
Farmers' Bank of the State of Delaware, further additional supplement to charter of	901
Delaware Railroad Company, additional supplement to charter of Philadelphia, Wilmington and Baltimore Railroad Company, act relating to the	902
Wilmington and New Castle Electric Railway Company, act incorporating	903
Frederica Railroad Company, directors of, authorized to pay certain moneys to town of Frederica	904
Wilmington and Brandywine Springs Electric Railway Company, incorporated	911
St. Georges and Kirkwood Electric Railway Company, incorporated	912
Middletown Electric Railway Company, incorporated	918
The Smyrna and Woodland Beach Electric Railway Company, incorporated	924
Gordon Heights Railway Company, incorporated	933
Dover and Camden Electric Railway Company, incorporated	938
Chester and Wilmington Electric Railway Company, incorporated	944
Odessa and Middletown Narrow Gauge Railway, charter amended	950
New Castle, Newport and Wilmington Passenger Railway Company, incorporated	955
Water Witch Steam Fire Engine Company, No. 5, of Wilmington, Delaware, charter reenacted	956
The Humane Association of Delaware, incorporated	962
Law and Order Society of Dover, incorporated	963
Sanitarium Company, of Wilmington, Delaware, incorporated	966
Fenwick Island Company, incorporated	967
Delaware Pneumatic Tube and Delivery Company, incorporated	972
Dover Hosiery Company, incorporated	975
Casho Machine Company, charter renewed	1199
Broome Street Improvement Company, incorporated	1199
Enoch Moore & Sons Company, incorporated	1199
Germania Building and Loan Association, No. 2, charter renewed	1200
An act to revive, renew and continue the charter of Diamond Lodge, No. 16, Knights of Pythias, of Delaware	1200
Economic Insurance Company of America, incorporated	1200
Hollis Stove and Furniture Company, incorporated	1200
Delaware Shade Tree Company, incorporated	1200
Western Car Company, charter renewed and extended	1200
Henlopen Circle, No. 11, Brotherhood of the Union, (H. F.) C. of A., of Lewes, Delaware, incorporated	1201
An act to reenact, revive and renew the act entitled "An act to incorporate the Brandywine Hundred Mutual Horse Company for the recovery of stolen horses,"	1201
Industrial Improvement Company of Wilmington, Delaware, incorporated	1201

INCORPORATIONS—CONTINUED.

Wyoming Castle, No. 22, Knights of the Golden Eagle, of Delaware, incorporated	1201
The J. Morton Poole Company, charter renewed	1201
Active Lodge, No. 14, Knights of Pythias of the State of Delaware, in the town of Felton, reincorporated	1201
St. Mary's Total Abstinence Beneficial Society of Wilmington, Delaware, charter renewed	1202
Oklahoma Tribe, No. 26, Improved Order of Red Men, of Lewes, Delaware, incorporated	1202
Delaware Distilling Company, incorporated	1202
Worden Crate and Basket Manufacturing Company, incorporated	1202
Cold Spring Ice and Coal Company, incorporated	1202
The New Century Club, act to amend the certificate of incorporation of	1202
Warren Athletic Club, incorporated	1203
Mill Creek Union Association for detection of Horse Thieves and recovery of stolen property, charter renewed	1203
Talleyville Lodge, No. 19, Knights of Pythias, of Delaware, incorporated	1203
Wawaset Tribe, No. 9, Improved Order of Red Men, charter renewed	1203
Brandywine Lodge, No. 18, of the Independent Order of Odd Fellows, 17th street and Woodlawn avenue, Highlands, in New Castle county, State of Delaware, incorporated	1203
Homewood Land and Improvement Company, incorporated	1203
Delaware Tribe, No. 1, Improved Order of Red Men, of Delaware, charter renewed	1204
Union Park Company, incorporated	1204
Fidelity Real Estate Improvement Company, incorporated	1204
Old Dominion Steamship Company, charter renewed	1204
Equitable Land Improvement Company, incorporated	1204
Washington Street Club Stables, charter renewed	1204
Local Union, No. 40, United Brotherhood of Carpenters and Joiners, of America, incorporated	1205
Sakimas Tribe, No. 10, Improved Order of Red Men, of North Milford, Delaware, incorporated	1205
Diamond State Circle, No. 3, of the Order of Brotherhood of the Union, of North Milford, Delaware, incorporated	1205
An act to incorporate the Odd Fellows' Cemetery of Kent county, near Camden, reenacted	1205
An act to incorporate the Smyrna and Philadelphia Transportation Company, reenacted and amended	1205
Minqua Land Company, incorporated	1205
Friendly Circle, No. 2, Brotherhood of the Union, (H. F.) C. of A., of Laurel, incorporated	1206
Wilmington and Delaware River Wharf Company, incorporated	1206
Sinepuxent Tribe, No. 16, Improved Order of Red Men, of Whitesville, Sussex county, Delaware, incorporated	1206

INCORPORATIONS—CONTINUED.

Jefferson Circle, No. 4, Brotherhood of the Union, H. F. C. of A., of Bethel, incorporated	1206
Wilmington Lodge, No. 184, International Association of Machinists, incorporated	1206
Apollo Castle, No. 2, Knights of the Golden Eagle, of the State of Delaware, incorporated	1206
Ottawa Tribe, No. 30, Improved Order of Red Men, of Williams-ville, Delaware, incorporated	1207
Castle 16, Knights of the Golden Eagle, of Roxana, Delaware, incorporated	1207
Chosen Friends' Castle, No. 14, Knights of the Golden Eagle, of the State of Delaware, incorporated	1207
Grand Castle, Knights of the Golden Eagle of the State of Delaware, incorporated	1207
Geometric Drill Company, incorporated	1207
The Riverview Cemetery Company, of Wilmington, Delaware, reincorporated	1207
Delaware Publishing Company, incorporated	1208
The Board of Trade of the City of New Castle, incorporated	1208
Wenonah Lodge, No. 3, Shield of Honor, of Wilmington, Delaware, incorporated	1208
Asketum Tribe, No. 25, Improved Order of Red Men, of Dagsboro, Delaware, incorporated	1208
Unity Lodge, No. 41, Independent Order of Odd Fellows, of the State of Delaware, incorporated	1208
Phil Sheridan Post, No. 23, Grand Army of the Republic, of the City of Wilmington, Delaware, incorporated	1208
Corinthian Lodge, No. 1, Shield of Honor, of the State of Delaware, incorporated	1209
Peach Kaolin Company, incorporated	1209
Real Estate and Investment Company, incorporated	1209
Highlands Land Company, incorporated	1209
Riverside Real Estate Company, incorporated	1209
Riverside Terra Cotta Company, incorporated	1209
Calmar Construction Company, incorporated	1210
Evelyn Real Estate Company, incorporated	1210
Lombard Construction Company, incorporated	1210
An act for the relief of Washington Camp, No. 5, Patriotic Order Sons of America, of Wilmington. New Castle county, Delaware,	1210
Atlantic Construction Company, incorporated	1210
Simmons Manufacturing Company, incorporated	1210
The People's Guarantee and Trust Company, incorporated	1211
Claymont Hall Company, incorporated	1211
Mattahoon Tribe, No. 11, Improved Order of Red Men, charter renewed	1211
Odd Fellows Cemetery, of the Town of Laurel, County of Sussex and State of Delaware, incorporated	1212

INCORPORATIONS—CONTINUED.

Philadelphia and Delaware Breakwater Pier and Improvement Company, incorporated	1211
An act to incorporate the Fame Hose Company of the City of Wilmington, amended	1211
American Leather Company, certificate of charter amended . .	1212
Walton and Whann Company, certificate of incorporation of, amended	1212
An act to incorporate the Frankford Manufacturing and Fruit Preserving Company, supplement to	1212
Davis Spring Plate Company, certificate of incorporation of the, amended	1212
The Provident Land and Loan Company, incorporated	1212
Delaware River Transportation Company, incorporated	1212
DuPont de Nemours Cemetery Company, incorporated	1213
Marion-Wilmington Building Association, of Wilmington, Delaware, incorporated	1213
Benedictine Order of the Sacred Heart, of Wilmington, Delaware, charter amended and renewed	1213
New Castle Market House Company, incorporated	1213
Columbian Hotel Company, incorporated	1213
Mutual Loan Association, of Middletown, Delaware, charter renewed	1213
An act to incorporate the Lenape Fire Company, of the City of New Castle, amended	1214
Delaware and Chesapeake Towboat Company, and the Clyde Steamship Company, act for relief of	1214
Delaware Detective Agency, incorporated	1214
Bayard Legion Democratic Club, incorporated	1214
Delaware Homestead Company, incorporated	1214
Milton Canning House Building Company, incorporated	1214
Central Cemetery Company, incorporated	1215
Ancient Order United Workmen Hall Company, of Delaware, incorporated	1215
The Costa Printing and Publishing Company, incorporated . . .	1215
Act to incorporate the Brandywine Hundred Association for the recovery of stolen horses, renewed	1215
The Buffington Medicine Company, incorporated	1215
Methodist Publishing Company, incorporated	1215
St. Joseph Polish Catholic Beneficial Society, of the City of Wilmington, incorporated	1216
Wilmington Fire Insurance Company, incorporated	1216
Kent County Land Improvement Company, incorporated	1216
Fenwick Island Gunning Club, incorporated	1216
An act to incorporate the Young Men's Association for Mutual Improvement, of the City of Wilmington, supplement to . .	1216
Masonic Hall Company of Lewes, Delaware, incorporated . . .	1216
New Castle Library Company, charter of, reenacted	1217
Delaware Labor and Industrial Co., of the State of Delaware, in the City of Wilmington, incorporated	1217

INCORPORATIONS—CONTINUED.

An act to incorporate the McDonough Creamery Company, amended	1217
Hebron Lodge, No. 14, of the Independent Order of Odd Fellows, at Seaford, Delaware, supplement to charter of	1217
Masonic Hall Company of Milford, Delaware, incorporated . .	1217
Geometric Drill Company, charter amended	1217
Oriental Lodge, No. 13, Knights of Pythias of the State of Delaware, in the City of Wilmington, reincorporated	1218
Sylvan Cemetery Company, incorporated	1218
Citizens' Light and Power Company, of Dover, Delaware, incorporated	1218
The Delaware Granite and Mining Company, incorporated . . .	1218
People's Market House Company, incorporated	1218
Delawarean Printing Company, incorporated	1218
Frederica and Philadelphia Navigation Company, incorporated .	1219
Newport Iron and Steel Company, incorporated	1219
Employers and Employés Protective Insurance Company, incorporated	1219
The Law Library Association of New Castle county, reincorporated	1219
Waverly Investment Company, incorporated	1219

INDEXES—

Commissioners appointed to examine new index of Recorder of Deeds in New Castle county	672
Recorder of Deeds of Sussex county to make new	673
Commissioners appointed to examine	673
Compensation of Prothonotary, by whom paid	673
Robert C. White to succeed Alfred P. Robinson in commission to examine index made by Prothonotary of Sussex county . .	677
An act authorizing the Prothonotary of New Castle county to make a certain judgment index	679
Commissioners to examine index	679
Compensation of Prothonotary and Commissioners; by whom paid	679
If not completed within a year, other commissioners to be appointed	680
Secretary of State authorized to index executive register; compensation	1191

INDIAN RIVER HUNDRED—

Act to lay out a new public road in	881
---	-----

INDUSTRIAL IMPROVEMENT COMPANY OF WILMINGTON, DELAWARE—

Title of act to incorporate	1201
---------------------------------------	------

INFECTIOUS AND CONTAGIOUS DISEASES—

An act for the eradication of infectious and contagious diseases among the lower animals	748
Governor authorized to issue proclamation against the spread of	748
Duty of sheriffs and deputy sheriffs	749
Veterinaries; detention of animals	749
Regulations for destroying animals, and for disinfection	749
\$500 appropriated	749

INSANE—

Admission of insane persons to Delaware State Hospital at Farnhurst	757
Certificate required, contents of	757
Affidavit of physician	758
Certificate of officer taking affidavit	758
Order of trustees	758
Act not to apply to commitments by chancellor or court	758
(See <i>Delaware State Hospital at Farnhurst.</i>)	

INSPECTORS—

(See *Elections.*)
(See *Wilmington City.*)

INSPECTOR OF MEATS—

(See *Wilmington City.*)

INSURANCE—

Act to amend acts as published in Chapter 21, Volume 19	681
Report of Insurance Commissioner to State Auditor	681
Deposit of State moneys, certificate of	681-82
Licenses and certificates to be issued by Secretary of State, form of	682
State Auditor to compare with stubs	682
Act to amend Chapter 347, Volume 16, Laws of Delaware	682
Commissioner's bond	682
Fees to be paid commissioner	683
Compensation of commissioner	683
State moneys, payment of, to State Treasurer	683
Contingent expenses, how paid	683

INSURANCE COMMISSIONER—

Compensation of	683
Joint resolution in relation to the report of the	1196
Printing of report; contents of; payment	1196
Compensation of commissioner for superintending printing	1196
(See <i>Insurance.</i>)	

INSURANCE COMPANIES—

- Act to amend an act entitled "An act to define the liability of fire insurance companies in certain cases," etc. 889
 Company may adjust loss by replacing property 889

INTESTATE'S REAL ESTATE—

- An act to amend Section 29, Chapter 85 of the Revised Code, in relation to 1119

IRWIN, IDA L.—

- Title of an act to divorce, from her husband, Martin L. Irwin . . 1230

IRONS BRANCH CANAL COMPANY—

- Charter repealed 830

J

JAILS—

(See *Prisons*.)

JAIL COMMISSIONERS—

(See *Prisons*.)

JEFFERIS, JOSEPH R.—

- Act to divorce, from his wife, Rose Jefferis 1227

JEFFERSON CIRCLE, NO. 4, BROTHERHOOD OF THE UNION, H. F. C. OF A., OF BETHEL—

- Title of act to incorporate 1206

J. MORTON POOLE COMPANY—

- Title of act to incorporate 1201

JOHNSON, GEORGE T.—

- Farm of, transferred from district 131 to district 121½, Sussex county 736

JOURNALS—

- Joint resolution in relation to journals of the Senate and House of Representatives 1190
 Clerks of Senate and House authorized to omit reports of State officers, etc., in the publication of 1190

JUDGMENT LIEN—

An act limiting judgment liens upon real estate, and for other purposes	1127
Judgments not a lien on real estate for more than ten years	1127
How renewable	1127
Form of renewal	1127
Renewal to be certified upon the record	1127
Continuance of lien pending proceedings on <i>scire facias</i>	1128
Writ of error, effect of	1128
When restoration not operative as against <i>bona fide</i> purchaser . . .	1128
Extension of lien for ten years	1128
Further renewals	1128
After January 1, 1896, no real estate to be taken by execution process upon judgment entered prior to January 1, 1886, and then wholly due and payable	1128
Judgment liens to be lost unless renewed by agreement or by <i>scire facias</i>	1129
No real estate to be seized or taken by execution process on judgment after ten years from entry; or from the day such obligation is due and payable, unless continued by agreement or by <i>scire facias</i>	1129
Consistent provisions of preceding sections applicable	1129
Judgments revived by <i>scire facias</i> a lien from time of renewal . . .	1129
Such lien not to relate back or to affect <i>bona fide</i> purchaser . . .	1129
Proceedings by <i>scire facias</i> for the renewal and continuance of judgment liens	1129
Practice and pleadings	1130
Final judgment	1130
Cases in which the foregoing sections of this act shall not apply . .	1130
Judgment on bond other than for the payment of money not a lien upon real estate until bond or certified copy filed with prothonotary	1131
Duty of prothonotary	1131
Fees of prothonotary	1131
Inconsistent acts repealed	1131

JUSTICE OF THE PEACE—

An act to amend Section 4, Chapter 99 of the Revised Code	1125
Discharge of special bail	1125
Proceedings against special bail	1125
Paragraphs 11 and 12 of Section 4 stricken out	1125
(See <i>Fish</i> .)	

K

KENT COUNTY—

(See *Levy Court*.)

KENT AND SUSSEX DITCH COMPANY—

Acts incorporating, renewed 816

KENT COUNTY LAND IMPROVEMENT COMPANY—

Title of act to incorporate 1216

KENTON HUNDRED—

Act to lay out a public road in 863

Act authorizing the opening of a public road in 865
(See *Roads*.)

KIRBY, MARY E.—

Title of act to divorce, from her husband, James P. Kirby . . . 1230

KISS, ANTHONY—

Title of act to divorce, from his wife, Mary Kiss 1232

L

LABOR DAY—

An act declaring, a legal holiday 888

First Monday in September designated as 888

Negotiable paper due on, when payable 888
(See *Holiday*.)

LABELS—

(See *Trade Marks*.)

LABOR ASSOCIATIONS—

(See *Trade Marks*.)

LARCENY—

(See *Oysters*.)

LAUREL—

An act to amend Chapter 238, Volume 19, Laws of Delaware . . 1021

Amount of annual tax levy. 1021

LAW LIBRARY ASSOCIATION, THE, OF NEW CASTLE COUNTY—

Title of act to reincorporate 1219

LAW AND ORDER SOCIETY OF DOVER—

An act to incorporate the	966
Corporators; corporate title; powers	966
Officers, election of; object; authority; by-laws	966

LENAPE FIRE COMPANY OF THE CITY OF NEW CASTLE—

Title of act to amend the act incorporating	1214
---	------

LEVY COURT—

Duty of to appoint two collectors for Mispillion hundred	625
An act to amend Chapter 27, Volume 19, Laws of Delaware, and to repeal Chapter 28, Volume 19, Laws of Delaware	633
An act to amend Chapter 26, Volume 19, Laws of Delaware, in relation to the trustees of the poor	635
Provisions of act of March 30, 1883, relating to loan for the benefit of the Trustees of the Poor of New Castle county, extended 2 years	634-5
Moneys of Trustees of the Poor for New Castle county to be kept as a separate fund	635-6
Orders, how drawn; deposits, etc.	636
An act to authorize the Levy Court Commissioners to make a temporary loan	636
Levy Court of New Castle county authorized to borrow \$30,000	636
An act to authorize the, of Kent County to fund a portion of its present indebtedness	637
Authorized to issue bonds	637
Rate of interest; when payable	637
Redemption; notice	637
How signed and certified	637
Coupons, how numbered	638
Form of bond	638
Coupons, form of; redemption, record of; payment; cancellation	639
Public faith pledged	640
Sale of bonds by County Treasurer; application of proceeds	640
Limit of bonded indebtedness authorized; payment; sinking fund	640
An act to amend an act entitled "An act in relation to the, of New Castle County," Chapter 26, Volume 19, Laws of Delaware	641
Office hours of Receiver of Taxes	641
Abatements; orders not accepted in payment	641
Additional allowances; salary, payable monthly	641
Compensation of committee	642
County tax books, how kept	642
Poll tax collectors, appointment of	642
Annual statement	642
Property transfers; compensation of Recorder of Deeds	642
Proceedings for collection of delinquent real estate taxes	643-44
An act authorizing the, of Sussex County to fund the indebtedness of said county	644

LEVY COURT—CONTINUED.

May borrow \$25,000	644
When payable	644
Interest payable semi-annually	644
Form of bond; coupon	645
Record of bond	645-6
Application of moneys by County Treasurer; sureties responsible	646
Payment of interest	646
Separate account kept by County Treasurer	646
An act to authorize the Levy Court of New Castle county to borrow money and issue certificates of indebtedness therefor	647
Levy Court authorized to borrow money; certificate; payment, how provided for	647
An act authorizing the Levy Court of New Castle county to borrow money for completing the construction of a new bridge over the Brandywine creek at Washington street, in the City of Wilmington	648
Levy Court of New Castle county authorized to borrow money; certificates	648
Payment, provision for	648
Separate account	648
Levy Court of Sussex county to pay recorder for making certain indices	673
Levy Court of New Castle county to pay for making a certain index	679
Duty of levy courts to appropriate compensation for jail commissioners	845
(See <i>Assessors</i> .)	
(See <i>Collectors</i> .)	
(See <i>Cities and Towns</i> .)	
(See <i>Ditches</i> .)	
(See <i>Roads</i> .)	
(See <i>Wilmington City</i> .)	

LIBRARIAN—

Joint committee to settle with	1160
To secure, upon his requisition, copies of Revised Code from Prothonotary of Kent county	1166
Duties of, under joint resolution in relation to the purchase of stationery	1177
Duties of, under joint resolution authorizing the repair of certain parts of the State House	1192

LICENSE—

Hawkers and peddlers to procure	894
Exempt from bond	894
(See <i>Distillers</i> .)	
(See <i>Insurance</i> .)	
(See <i>Menhaden</i> .)	
(See <i>Oysters</i> .)	
(See <i>Taverns</i> .)	

LIEN—

- An act to amend Chapter 476, Volume 15, Laws of Delaware . . . 632
 County and State taxes a lien for two years from first of March . . . 632
 Municipal taxes a lien for two years from delivery of duplicate . . . 632
 (See *Cities and Towns.*)
 (See *Judgment Lien.*)
 (See *Revenue.*)
 (See *Taxes.*)

LIFE INSURANCE COMPANIES—

(See *Insurance.*)

LIMITATIONS—

(See *Judgment Liens.*)
 (See *Liens.*)
 (See *Taxes.*)

LINGO, MARY J.—

Farm of, transferred from district 45 to districts 44 and 150; also
 farm from districts 44 and 150 to district 45 737

LOCAL UNION, NO. 40, UNITED BROTHERHOOD OF CAR-
PENTERS AND JOINERS OF AMERICA—

Title of act to incorporate 1205

LOMBARD CONSTRUCTION COMPANY—

Title of act to incorporate 1210

LONG, JEREMIAH—

Joint resolution to pay, \$27.78 1164

M

MAGNOLIA—

Act to authorize the town council of the town of Magnolia to
 borrow a sum of money, not exceeding \$300, to pay for fire
 apparatus 1067
 Certificates of indebtedness, when payable; interest 1067
 Tax to pay certificates 1067

MARION-WILMINGTON BUILDING ASSOCIATION, OF
WILMINGTON, DEL.—

Title of act to incorporate 1213

MARRIED WOMEN—

(See *Conveyances*.)

MARTIN, JAMES—

An act to correct and validate a certain deed of 1224

MARVEL, HON. DAVID T.—

Joint resolution to pay, \$400 for services rendered 1155

MASONIC HALL COMPANY, OF LEWES, DELAWARE—

Title of act to incorporate 1216

MASONIC HALL COMPANY OF MILFORD, DELAWARE—

Title of act to incorporate 1217

MASON WORK—

An act to provide uniform rules for the measurement of mason
work 890

Standard measurements of 890-94

MATHER, MARY HANSON—

Act to change the name of 1221

MATTAHOON TRIBE, NO. 11, IMPROVED ORDER OF RED
MEN—

Title of act to renew charter of 1211

MATTHEWS, HELEN E.—

Act to divorce, from her husband, Wilbur Matthews 1228

McCOMB, JAMES C.—

An act to divorce, and Mary E. McComb 1225

McCRACKEN, CHRISTINE—

Act to divorce, from her husband, Thomas McCracken 1230

McDONOUGH CREAMERY COMPANY—

Title of act to incorporate 1217

McGEE, GEORGE W.—

Lands transferred from School District 40 to School District 43,
in Sussex county 739

MEASUREMENT—

(See *Mason Work.*)

MENHADEN—

(See *Fish.*)(See *License.*)

METHODIST PUBLISHING COMPANY—

Title of act to incorporate 1215

MIDDLETOWN—

An act to amend Chapter 242, Volume 19, Laws of Delaware, entitled "An act to provide for the lighting of Middletown,"	1024
Bonds to be issued; signing of	1025
Tax exemption; cancellation; custody	1025
Sale of bonds; application of proceeds	1025
Board of light and water commissioners appointed; term of office; duties; successors; vacancies	1025
Annual election; electors	1025-6
Election officers	1026
Town commissioners to turn over certain property	1026
Organization of board	1026
Duties of president, secretary, treasurer; bond and compensation	1026-7
Statement to town commissioners, publication of	1027
Powers and duties of commissioners	1027-8
Lien of rents; powers of collector	1028
Revenue; surplus; deficiency; sinking fund	1028-9
Penalties for injury to light and water plants	1029
Contracts for supplies	1030
An act being a supplement to Chapter 36, Volume 12, Laws of Delaware, entitled "An act to incorporate the town of Middletown"	1070
Collector of taxes provided for; compensation, powers, bond, payments weekly, commissions, abatements, additions after December 1st	1070
Offenders required to labor upon the streets	1070
Town commissioners authorized to borrow \$3,000, purpose of	1070

MIDDLETOWN ELECTRIC RAILWAY COMPANY—

An act to incorporate the	924
Commissioners, duties of	924
Capital; subscriptions, payment of	925
When a corporation; corporate title, powers, etc.	925-6
Organization; voting	926
Directors, annual election of; term; other officers, appointment of	926
Powers and duties of directors	927
Certificates; dividends; annual statement	928

MIDDLETOWN ELECTRIC RAILWAY COMPANY—CONTINUED.

Location of road; merger	928-9
Electric lights; plants; poles; right to contract	929
Railway, privileges for operation of	929-30
Crossings not to be at grade	930
Lands, proceedings for acquiring	930-31
Duty of company to maintain crossings	931
Damage to property of company, punishment for	932
Election of officers, failure not to dissolve corporation	932
Rates for transportation	932
Construction, when to begin; completion of	932

MILFORD—

An act to amend Chapter 161, Volume 18 of the Laws of Delaware	1075
Assessment to be made in March	1075
Of "holding" appeals	1075
Levy and collection of taxes	1075
Limit of indebtedness; secretary's salary; report of the board of health in writing	1076
An act to amend Chapter 232, Volume 19	1076
Council may levy special tax	1076
Leasehold exemption repealed	1076
Date of election; vote by proxy	1076
Audit of report	1076
Surplus, for what to be used	1077
One thousand dollars additional to be paid to light and water commissioners	1077

MILFORD HUNDRED—

Act to lay out a public road in	868
---	-----

MILL CREEK UNION ASSOCIATION FOR THE DETECTION OF HORSE THIEVES AND THE RECOVERY OF STOLEN PROPERTY—

Title of act to revive, renew and continue the charter of	1203
---	------

MILLSBORO—

An act to incorporate the town of	1059
Commissioners, powers and duties of	1059-60
Corporate title; corporate powers	1060
Election of officers; term; succession	1060-61
Stated meetings; proceedings; ordinances; special meetings	1061
Organization; president, duties of	1062
Levy and collection of taxes	1062-3
Application of moneys	1063

MILLSBORO—CONTINUED.

Paving streets	1063
Superintendence of streets	1064
Levy Court to appropriate \$300 annually	1064
Treasurer and collector; bond of; duties of	1064
Compensation of officers	1065
Election of alderman; term, oath, powers and duties	1065
Town clerk	1065
Duties of alderman and constable with respect to preserving order; arrest; hearing; penalties	1065-66

MILTON—

An act to amend an act entitled "An act to reincorporate the town of Milton," passed at Dover, March 3, 1881	1081
Broadkilm river bridge to be maintained by levy court	1081
An act to amend an act entitled "An act to reincorporate the town of Milton," passed at Dover, March 3, 1881	1082
Tax exemption	1082

MILTON CANNING HOUSE BUILDING COMPANY—

Title of act to incorporate	1214
---------------------------------------	------

MINQUA LAND COMPANY—

Title of act to incorporate	1205
---------------------------------------	------

MINORS—

An act prohibiting the sale of cigarettes to, under the age of 17 years	1134
(See <i>Cigarettes</i> .)	

MISPILLION HUNDRED—

Act to vacate a private road in	871
Act to change the course of a certain public road in	872
Act to change the course of a public road in	876
(See <i>Assessors</i> .)	
(See <i>Collectors</i> .)	

MITCHELL, ELLEN—

Title of act for relief of	1221
--------------------------------------	------

MUNICIPAL ELECTIONS—

(See *Wilmington City*.)

MUTUAL LOAN ASSOCIATION OF MIDDLETOWN, DEL-
AWARE—

Title of act to renew the charter of	1213
--	------

N

NEWARK—

An act to authorize the council of, to borrow \$5,000	1022
Council authorized to borrow \$5,000 for electric light plant	1022
Bonds; interest; date of payment; form of bond	1022
Council authorized to equip plant	1022
An act to amend Sections 33 and 38, Chapter 175, Volume 18, Laws of Delaware	1023
Council may borrow \$3,000	1023
Notice to land owners upon opening streets	1023

NEW BUSINESS—

Joint resolution in relation to	1159
---	------

NEW CASTLE—

An act to amend and supplement Section 26 of Chapter 152, Vol- ume 15 of the Laws of Delaware, entitled "Of the City of New Castle,"	1073
Management of roads within city limits; causeways, how main- tained	1073
Tax levy; collector, bond of	1073
Delivery of books and papers	1074
Term of office	1074
Duplicate; powers of collector; payment of moneys; commission; road tax of 1892	1074
Abatements; additions	1074
Council to pay \$600 annually to road commissioners	1074
Duty of Receiver of Taxes; oath of taxable; false swearing; pen- alty	1075

NEW CASTLE, NEWPORT AND WILMINGTON PASSEN-
GER RAILWAY COMPANY—

Title of act to incorporate	956
Commissioners; subscriptions	956
Capital stock; bonds; mortgage	956
Corporation, title of; powers of	957
Organization; annual meeting; directors; voting	957-58
Powers of directors	958
Subscriptions; certificate, transfer of	958
Powers of company to construct railway	959
Damages	960
Proceedings for condemnation of land	960-61
Beginning and completion of road	961

NEW CASTLE COUNTY—

A further supplement to an act entitled "An act authorizing the Levy Court of New Castle county to make a loan for the ben- efit of the Trustees of the Poor of New Castle county," passed March 30, 1883	634
--	-----

NEW CASTLE COUNTY—CONTINUED.

An act to amend Chapter 26, Volume 19, Laws of Delaware, in relation to the Trustees of the Poor	635
An act to authorize the Levy Court Commissioners to make a temporary loan	636
An act to amend an act entitled "An act in relation to the Levy Court of New Castle county," Chapter 26, Volume 19, Laws of Delaware	641
An act to authorize the Levy Court of New Castle county to borrow money, and issue certificates of indebtedness therefor . .	647
An act authorizing the Levy Court of New Castle county to borrow money for completing the construction of a new bridge over the Brandywine creek at Washington street, in the City of Wilmington	648
An act to provide for an annual assessment for Wilmington hundred, New Castle county	649
An act in relation to the collection of taxes in	656
(See <i>Elections</i> .)	
(See <i>Levy Court</i> .)	
(See <i>Notary Public</i> .)	
(See <i>Prisons</i> .)	
(See <i>Prothonotaries</i> .)	
(See <i>Recorder of Deeds</i> .)	
(See <i>Schools</i> .)	

NEW CASTLE HUNDRED—

Act to provide for the protection of certain roads in	851
Additional road tax in	853

NEW CASTLE LIBRARY COMPANY—

Title of act to reenact the charter of	1217
--	------

NEW CASTLE MARKET HOUSE COMPANY—

Title of act to incorporate	1213
---------------------------------------	------

NEW CENTURY CLUB—

Title of act to incorporate	1202
---------------------------------------	------

NEWPORT IRON AND STEEL COMPANY—

Title of act to incorporate	1219
---------------------------------------	------

NITCHKEY, LOUISA—

Title of act to divorce, from her husband, Julius Nitchkey . . .	1232
--	------

NOTARY PUBLIC—

An act authorizing the appointment of an additional, for Sussex county, resident in the town of Seaford	674
---	-----

NOTARY PUBLIC—CONTINUED.

Additional, for Sussex county, resident in Seaford	674
An act authorizing the appointment of an additional, for the City of Wilmington	675
Additional, for City of Wilmington; must be stenographer	675
An act to amend Section 1, of Chapter 50, of Volume 19, of the Laws of Delaware	675
Official authority of, extended	675
An act to amend Section 1 of Chapter 28 of Volume 18 of the Laws of Delaware	676
Official authority of, extended	676
An act authorizing the appointment of a, for a certain real estate office in the town of Smyrna	676
Appointment of, for a certain real estate office; privileges limited	676
An act authorizing the Governor to appoint an additional, for Wilmington hundred, New Castle county	677
Additional, for Wilmington hundred	677
Joint resolution in relation to the appointment of a, in New Castle county	1193
Governor authorized to appoint, in lieu of Thomas F. Hanlan	1193

O

ODD FELLOWS' CEMETERY, OF THE TOWN OF LAUREL, COUNTY OF SUSSEX AND STATE OF DELAWARE—

Title of act to incorporate	1211
---------------------------------------	------

ODD FELLOWS' CEMETERY OF KENT COUNTY, NEAR CAMDEN—

Title of act to reincorporate	1205
---	------

ODESSA AND MIDDLETOWN NARROW GAUGE RAILWAY—

An act to amend "An act to incorporate the Odessa and Middletown Narrow Gauge Railway," passed at Dover, April 8, 1873, and amended January 30th, 1889	955
Amendments	955
Company may erect poles and wires	955

OKLAHOMA TRIBE, No. 26, IMPROVED ORDER OF RED MEN, OF LEWES, DELAWARE—

Title of act to incorporate	1202
---------------------------------------	------

OLD DOMINION STEAMSHIP COMPANY—

Title of act to reincorporate	1204
---	------

OFFICIAL BOND—

- (See *Cities and Towns.*)
- (See *Collectors.*)
- (See *Ditches.*)
- (See *Insurance Commissioner.*)
- (See *Levy Court.*)
- (See *Oysters.*)
- (See *Railroads.*)
- (See *Roads.*)
- (See *Schools, Free.*)
- (See *Wilmington City.*)

ORIENTAL LODGE, No. 13, KNIGHTS OF PYTHIAS OF
THE STATE OF DELAWARE, IN THE CITY OF
WILMINGTON—

Title of act to reincorporate 1218

OSTERLIE, GOTTFRIED—

Act to change name of 1223

OTTAWA TRIBE, NO. 30, IMPROVED ORDER OF RED
MEN, OF WILLIAMSVILLE, DELAWARE—

Title of act to incorporate 1207

OVERSEERS OF ROADS—

- (See *Levy Court.*)
- (See *Roads.*)

OVERHEAD BRIDGES—

- (See *Wilmington City.*)

OYSTERS—

- An act to repeal all statutes relating to planting, propagating, dredging, tonging, or taking oysters from the natural beds or plantations in the Delaware bay and its tributaries, and to reenact the same or parts thereof with amendments 769
- Chapters and sections repealed and supplied by this act 769
- Unlawful to take, etc., without license 769
- Collector a bailee 769
- Who may appropriate the bottom of the bay, and how much . . . 770
- Grounds, how designated 770
- Application for license 770
- How applied for 770
- Fees 770
- Term of license 770-4
- Taking oysters, when larceny 770

OYSTERS—CONTINUED.

Application of fines	771
Vessels, when forfeited	771
Duty of justice of the peace; powers of	771
Proceeds of sale, how applied	771
Appeal	772
Proceedings in name of the State	772
Attorney General	772
Arrests	772
Plantations property of planter	772-4
Proviso	772
Tax payable to collectors	772
Non-payment of tax; forfeiture of rights	772
Plantations and vessels, how numbered	773-4
Limit of plantations	773
Amount each vessel may appropriate	774
What beds extended	774
Right to dredge on natural beds limited to residents	774
Residence, how verified	775
Certificates issued by collector	775
Form of	776
License, when forfeited	776
Time for dredging on natural beds	776
Resident planters not required to take out license	777
False swearing	777
Unlawful to dredge except in April, May and June, or in the night time, or on Sunday	777
Unlawful to take oysters in July or August	777
Oyster boats or vessels prohibited from remaining on beds after sunset	778
Signal for beginning, etc.	778
Jurisdiction of justice of peace	778
What is evidence of dredging	779
Watch boat, how manned and employed	779
Crew, captain, etc.	780
Hearing, postponement, etc.	780
Notice of sale of boat, how posted	780
Proceeds of sale, how applied	781
Appeal, security, etc.	781
Complaint, how made before justice, and procedure	782
Form of proceeding	782
Necessary arrests, how made	783
Resistance of crew, when a misdemeanor; when felony; and when murder	783
Non-residents, how to obtain license, etc.	783
License restricted to one vessel	784
Plantations, how and when staked up	784
Vessel not allowed to work until provisions of law complied with	784-5
Unlawful dredging, what is	785
Name of vessel, where painted; penalty, etc.	785

OYSTERS—CONTINUED.

Pay of crew of watch boat	786
Mahon's River road, how maintained	786
Furnishing of watch boat	786
Proceedings before justice of the peace	786
Collector of oyster revenue, appointment, bond, oath, etc.	787
Licenses, collection of fees for	788
Compensation of collector and crew	788
Collector's accounts, provisions as to	788-89-90
Sections of Delaware bay reserved for domestic purposes	790
<i>Bona fide</i> residents right to certain section upon payment of license	791
Regulations for staking ground and taking, by residents from grounds reserved	791
When unlawful to take, penalty	791
Hearing, arrest, seizure of boat	792
Unlawful to take, from creeks or rivers for planting purposes	792
Taking, for family use, provisions for	793
Unlawful to dredge in Broadkirk sound	794
Unlawful to take at certain times, in certain places	794
Uniform number of license and boat	794
Unlawful to take, within certain limits for planting	795
Hearing; appeal	795
Commissions allowed collector	795
Unlawful to take from creek or river oysters less than 2½ inches in length; fine	795-96
Unlawful to take, less than 2½ inches in length from natural beds except for planting	796
Citizens may appropriate one acre of bottom of stream	796
Unlawful for non-residents to plant, in Indian river or Rehoboth bay; penalty	796
Proceedings before justice of peace; seizure and sale of boat; defendant's appeal; action in name of State	797
Citizens may plant 20 acres in Indian river or Rehoboth bay; rent; plantations, how marked	797-98
Provisions regulating planting in Indian river and Rehoboth bay	798-99
Larceny, what deemed	799
Territory exempt from scope of this act	799
Commissioner of oyster planting in Indian river and Rehoboth bay; appointment; duties of; records of; term of office; compensation; payment of State fund	799-800
Effect of act; regulations not affected; collector's bond	800-801
Duty of Secretary of State to have printed 300 copies; distribution of	801

OYSTER REVENUE COLLECTOR—

Duty of, under act for the protection and increase of food fish in Delaware waters	765
Duties of, under general oyster law	769-801
Duties of, under joint resolution in relation to fishing for menhaden	1188

P

PARTNERSHIP—

(See *Executors and Administrators.*)

PASSWATERS, FLORENCE A.—

Act divorcing, from her husband, Robert Passwaters 1226

PEACH KAOLIN COMPANY—

Title of act to incorporate 1209

PENCADER HUNDRED—

Act to change the names of election districts of 623

Names of election districts 623

Act to enlarge the powers of road commissioners of 849

(See *Elections.*)

(See *Roads.*)

PEOPLE'S GUARANTEE AND TRUST COMPANY—

Title of act to incorporate 1211

PEOPLE'S MARKET HOUSE COMPANY—

Title of act to incorporate 1218

PEPPER'S CREEK DITCH COMPANY—

Charter amended 836

PERRY, MARY C.—

Title of act to divorce, from her husband, William H. Perry . . 1233

PHARMACY, PRACTICE OF—

Supplement to act to regulate the 750

Practicing physicians keeping drug stores shall have qualified assistant; penalty for violation 750

Qualified assistant, age of 750

Act to apply to Wilmington City only 750

PHILADELPHIA AND DELAWARE BREAKWATER PIER
AND IMPROVEMENT COMPANY—

Title of act to incorporate 1211

PHILADELPHIA AND SMYRNA TRANSPORTATION COM-
PANY—

Title of act to amend and reenact the act to incorporate 1205

PHILADELPHIA, WILMINGTON AND BALTIMORE RAIL-
ROAD COMPANY—

- An act relating to the 903
 Additional vice-presidents; election of 903

PHIL SHERIDAN POST, NO. 23, GRAND ARMY OF THE
REPUBLIC, OF CITY OF WILMINGTON, DELA-
WARE—

- Title of act to incorporate 1208

PLEADING AND PRACTICE—

- Lien of taxes, limitation of 632
 (See *Accused Persons.*)
 (See *Arson.*)
 (See *Bailees.*)
 (See *Courts of Justice.*)
 (See *Cigarettes.*)
 (See *Crimes and Punishments.*)
 (See *Deeds.*)
 (See *Execution.*)
 (See *Executors and Administrators.*)
 (See *Extortion.*)
 (See *Fugitives from Justice.*)
 (See *Judgment.*)
 (See *Justice of Peace.*)
 (See *Lien.*)
 (See *Limitations.*)
 (See *Oysters.*)
 (See *Sheriff.*)

PLEASANTON, WILLIAM C.—

- Title of act to divorce, from his wife, Amey F. Pleasanton . . . 1227

POOR—

- Treasurer of the, of Sussex county, office abolished 756
 Powers and duties of poor treasurer vested in county treasurer . 756
 Additional bond of county treasurer 756
 When act shall take effect 756
 Additional compensation to county treasurer 757
 (See *Delaware State Hospital at Farnhurst.*)
 (See *Insane.*)
 (See *Levy Court.*)

POLICE COMMISSION—

- (See *Wilmington City.*)

PRACTICE—

(See *Pleading and Practice.*)

PRESTON, THOMAS E.—

Title of act to divorce, from his wife, Florence E. Preston . . . 1229

PRISONERS, CONVICT—

(See *Crimes and Punishments.*)(See *Prisons.*)

PRISONS—

An act to permanently improve the condition of certain public roads in New Castle county	843
Levy Court authorized to purchase stone quarry	843
Building to confine prisoners; cost of; bond of contractor	844
Commitment of offenders by courts in New Castle county	844
Proviso as to drunkards and beggars	844
Duty of superintendent	844
Vagrants, who deemed	844
Days work, what deemed; exemption from labor	844
Refractory prisoners, management of	854-5
Action of superintendent; report of	845
Jail commissioners; jurisdiction, compensation	845
Superintendent of workhouse; duties, bond, compensation, residence	845
Guards and bailiffs; employment of; salary	845
Supplies; proposals; bond	846
Publication of proposals and bids	846
Award of contracts	846
Failure of contractor; feeding of prisoners in the meantime	846
Recovery upon bond of contractor	846
Unlawful for certain officers to bid for contract	846-7
Duty of jail commissioners respecting government of workhouse	847
Payment of bills, provisions for	847
Condemnation of quarry, proceedings for	847
Stone, how broken; distribution of stone among hundreds	847-8
Application of stone to streets and roads, manner of	848
Acts repealed	848
An act in relation to persons wishing lodging in the county jails in this State	762
Vagrants, commitment of, by jail commissioners	763
Unlawful for justice of peace to commit tramp for purpose of giving board and lodging	763
Violation a misdemeanor; punishment	763
Jail Commissioners, compensation of	763
Sheriff, fees of; days board; commitment, length of	763
(See <i>Roads.</i>)	

PRIVATE ACTS—

Act to amend Chapter 1, Volume 13	627
State tax on capital stock	627
Act to revive and extend the time of recording	627
Unpublished acts not repealed, or void by lapse of time, renewed and reenacted	628
Certified copy from Secretary of State to be recorded	628
No copy received for record after twelve months	628
Titles of	1220-1234

PROTHONOTARY—

Act to authorize Prothonotary of Kent county to procure new press and seal of office as Clerk of Court of Errors and Appeals	678
Present seal to be broken	678
New seal, how paid for	678
Prothonotary of New Castle county authorized to make a certain judgment index	679
(See <i>Indexes</i> .)	
(See <i>Seal</i> .)	

PROVIDENT LAND AND LOAN COMPANY—

Title of act to incorporate	1212
---------------------------------------	------

PUBLIC EDUCATION—

(See *Colleges*.)
(See *Schools, Free*.)

PUBLIC OFFICERS—

(See *Attorney General*.)
(See *Assessors*.)
(See *Collectors*.)
(See *Constable*.)
(See *County Treasurer*.)
(See *Detective*.)
(See *Governor*.)
(See *Insurance Commissioner*.)
(See *Judges*.)
(See *Justices of Peace*.)
(See *Levy Court*.)
(See *Notary Public*.)
(See *Prothonotaries*.)
(See *Recorder of Deeds*.)
(See *Receiver of Taxes*.)
(See *Sheriffs*.)
(See *Secretary of State*.)
(See *State Auditor*.)
(See *State Treasurer*.)

PUBLIC OFFICES—

(See *Public Officers.*)

PUBLIC SCHOOLS—

(See *Schools, Free.*)

Q

QUARANTINE SITE—

Joint resolution to pay commissioners appointed by the Governor
on 1197

R

RAILROADS—

Further additional supplement to act entitled "An act to incorporate the Delaware Railroad Company." 902
Act relating to Philadelphia, Wilmington and Baltimore Railroad Company 903
Act to incorporate the Wilmington and New Castle Electric Railroad Company 904
Act to authorize the directors of Frederica Railroad Company to pay certain moneys to Town Commissioners of the town of Frederica 911
Act to incorporate the Wilmington and Brandywine Springs Railway Company 912
Act to incorporate the St. Georges and Kirkwood Electric Railway Company 918
Act to incorporate the Middletown Electric Railway Company 924
Act to incorporate the Smyrna and Woodland Beach Electric Railway Company 933
Act to incorporate the Gordon Heights Railway Company 938
Act to incorporate the Dover and Camden Electric Railway Company 944
Act to incorporate the Chester and Wilmington Electric Railway Company 950
Act to amend "An act to incorporate the Odessa and Middletown Narrow Gauge Railway," passed at Dover, April 8, 1873, and amended January 30th, 1889 955
Act to incorporate the New Castle, Newport and Wilmington Passenger Railway Company 956
Fenwick Island Company authorized to construct railroad from Fenwick's Island to D., M. & V. railroad 974-5

RAILROADS—CONTINUED.

- Philadelphia, Wilmington and Baltimore Railroad Company authorized to construct an overhead bridge in the City of Wilmington 1020
- Baltimore and Philadelphia Railroad Company, joint resolution for the relief of 1184

REAL ESTATE AND INVESTMENT COMPANY—

- Title of act to incorporate 1209

REAL PROPERTY—

- (See *Aliens*.)
- (See *Conveyances*.)
- (See *Intestate Real Estate*.)

RECORDER OF DEEDS—

- Act to amend an act entitled "An act to authorize the Recorder of Deeds in and for New Castle county to make a certain index" 672
- Act authorizing the Recorder of Deeds in and for Sussex county to make new indices of deeds in his office, using the Campbell system 673
- (See *Indexes*.)

RECORDS—

- (See *Private Acts*.)

RED LION HUNDRED—

- Road commissioners of, authorized to borrow money 850

REGISTRARS—

- (See *Elections*.)

REGISTRATION OF VOTES—

- (See *Elections*.)

REHOBOTH—

- An act to amend Chapter 229, Vol. 19, Laws of Delaware, entitled "An act incorporating the Rehoboth Beach Association" 1109
- Change of name 1109
- Election officers 1109
- Commissioners authorized to employ real estate agent; license not required 1109
- Tax exemption 1109
- Assessment; abatement of tax 1110
- Authority to pass a special ordinance 1110

REHOBOTH—CONTINUED.

Alderman; qualifications, term, oath, duties, jurisdiction, fees; vacancies, how supplied; specific duties of	1110-1112
Constables, appointment of	1112
Lockup, commitment to	1112
Misdemeanor to injure city property; punishment	1112

RELIGIOUS SOCIETIES—

(See *Roman Catholic Religious Corporations.*)
 (See *St. Joseph's Society for Colored Missions.*)
 (See *St. John's Church.*)

REQUISITIONS—

(See *Fugitives from Justice.*)

REPORTS—

Joint resolution in relation to the publication of equity	1153
Willard Saulsbury, jr., authorized to publish; expenses; compensation for	1154
Joint resolution in relation to the unpublished law	1174
Robert G. Houston and Robert H. Van Dyke authorized to publish	1174
Distribution of; payment for	1174
Compensation	1174
Joint resolution providing for the purchase by the State of a certain member of copies of a digest of the State	1183
Publication of digest of, by Henry Ridgely, jr., Esq.	1183

RESOLUTIONS—

Committee to notify the Governor of the organization of the two houses	1141
Respecting the memory of Senator John W. Hall	1141
In relation to adjournment of both houses	1142
Committee to draft rules for General Assembly	1143
Committee to settle with State Treasurer and examine accounts of Auditor	1143
Convening the two houses in joint session to ascertain the result of special election respecting Constitutional Convention	1144
Joint committee to settle with Secretary of State	1146
In relation to adjournment of both houses	1146
Authorizing State Treasurer to have printed six hundred copies of his report	1147
Appointing an Auditor of Accounts	1147
Appointing a State Treasurer	1147
Authorizing the payment of \$129.31 to David T. Marvel, Secretary of State	1148
In relation to proposed Constitutional Convention	1248-49

RESOLUTIONS—CONTINUED.

In relation to resignation of Chief Justice and Associate Judge	1149-50
Appropriating \$800 to the contingent expenses of the office of Secretary of State	1150
In relation to defense of certain State officers	1151
In relation to adjournment of both houses	1151
Regarding portion of Governor's message relating to World's Fair	1152
In relation to delay in connecting the waters of Rehoboth and Delaware bay	1152
In relation to report of Adjutant General	1153
In relation to publication of equity reports	1153-54
To pay James A. Clifton \$149 for repairs to furniture of State House	1154
Respecting persons interested in railroad bills	1155
To pay David T. Marvel, late Secretary of State, \$400 for services rendered	1155
Directing James H. Hughes and Robert H. Van Dyke to complete and publish the Revised Code	1156
Appointing committee to prepare resolutions upon the death of Chief Justice J. P. Comegys	1157
In relation to the death of Joseph P. Comegys	1157
Relating to State Treasurer's office	1158
In relation to not receiving new business after March 15th	1159
In relation to attending inauguration of President elect	1159
Appointing committee to make biennial settlement with State Librarian	1160
Relative to the publication of the new Revised Code	1160
Relating to couplers and brakes on freight cars	1161
Authorizing State Treasurer to pay James Kirk & Son \$600	1162
To visit Delaware State Hospital at Farnhurst	1162
Appointing committee of five to settle with the Governor for the distribution of the direct tax	1163
In relation to adjournment to a day fixed	1163
Directing State Treasurer to pay H. L. Hynson \$200	1164
State Treasurer authorized to pay canal commissioners for services	1164
In relation to funeral of Chief Justice A. P. Robinson	1165
Upon death of Hon. A. P. Robinson, late Chief Justice	1165
In relation to furnishing State Library with Revised Codes	1166
In relation to distribution of Revised Code	1166
In relation to adjournment	1167
Authorizing State Treasurer to pay certain State constables	1167
Directing State Treasurer to pay Delaware Society for Prevention of Cruelty to Children \$600	1168
Appointing commissioners to run and mark division line between Kent and Sussex counties	1168-69
Appointing committee of five to settle with State Treasurer, Auditor of Accounts, Secretary of State, and Clerks of Senate and House of Representatives	1169-70
Committee to settle with ex-Attorney General John Biggs	1170

RESOLUTIONS—CONTINUED.

Relating to indigent blind, deaf, dumb and idiotic	1171
Appointing directors for the Farmers' Bank of the State of Delaware and its branches	1172
In relation to Delaware Society for Prevention of Cruelty to Animals	1172
In relation to diverting certain funds in the hands of the State Treasurer	1173
Committee to settle with Insurance Commissioner of this State	1173
In relation to unpublished law reports	1174
Respecting the interest due the State from "Trustees of Troop B Association," of Wilmington, Delaware	1175
In relation to death of ex-United States Senator Eli Saulsbury	1176
Directing Secretary of State to change title of House bill No. 163	1176
Appointing committee to settle with Attorney General	1177
Relating to purchase of stationery	1177
To take action upon death of Minos Conoway	1178
Authorizing Secretary of State to procure a new press and seal of office	1178
Granting permission to introduce bill providing for a special election	1179
Authorizing the payment of tax commissioners	1179
Relative to the publication of Revised Code, as amended, with additional laws	1180-81
Permitting the introduction of a bill	1182
In relation to adjournment of both houses	1182
Providing for the purchase of Digest of the State Reports	1183
In relation to the payment of certain special constables	1183-84
For relief of Baltimore and Philadelphia Railroad Company	1184
Concerning State College for Colored Students	1185
Relating to the publishing of report of State Board of Health	1185
In relation to the collection of certain claims by Attorney General	1186-87
Appropriating \$400 to contingent expenses of the office of Attorney General	1187
In relation to fishing for menhaden	1188
In relation to a clerical error	1189
To pay executrix of late Hon. Alfred P. Robinson \$300	1189
In relation to adjournment of General Assembly <i>sine die</i>	1190
In relation to the Journals of the two houses	1190
Providing for temporary deficiency in treasury	1191
In relation to indexing State books and papers	1191
Relating to certain changes in the offices of the capitol building	1192
Authorizing the repair of certain parts of State House	1192
In relation to appointment of a notary public in New Castle county	1193
For the payment of claims against the State	1193-95
Relating to the report of Insurance Commissioner	1196
To pay commissioners appointed by the Governor on quarantine site	1197
In relation to certain deeds	1197

RESOLUTIONS—CONTINUED.

To pay Henry Ridgely	1198
In relation to colonial exhibits at the World's Columbian Exposition	1198

REVENUE OF STATE—

An act to amend Chapter 1, Volume 13, Laws of Delaware, (being a part of Chapter 4, page 24, of the Revised Code)	627
Act to repeal Chapter 390, Volume 13, Laws of Delaware	629
Act to repeal an act to repeal Chapter 390, Volume 13, Laws of Delaware	630
Sections revised	630
An act to encourage the consumption of grain and raise revenue for State purposes	630
Distillers to procure license	631
Authority conferred by license	631
An act to amend Chapter 476, Volume 15, Laws of Delaware	632
Joint resolution respecting the interest due the State from the "Trustees of Troop B Association," of Wilmington, Del.	1175
Joint resolution for the relief of the Baltimore and Philadelphia Railroad Company	1184
(See <i>Corporations.</i>)	
(See <i>Distiller.</i>)	
(See <i>Fish.</i>)	
(See <i>Insurance.</i>)	
(See <i>Oysters.</i>)	
(See <i>Tax.</i>)	

REVISED CODE—

Act to amend Chapter 4, page 24	627
Joint resolution relative to the publication of the	1156
Joint resolution in relation to the publication of the, as amended, with additional laws	1180
Printing, number of copies, expenses, etc.	1180
Distribution and sale of	1180-81
Binding, expenses of	1181
Compensation of J. H. Hughes and R. H. Van Dyke	1181

REVISED STATUTES—

Chapter 32, Section 1 of, amended	667
Chapter 55, Sections 1-8 of, repealed	769
Chapter 57, Section 1 of, amended	804
Chapter 707, Sections 3, 5, 7 and 10 of, amended	1113
Chapter 85, Section 29 of, amended	1119
Chapter 99, Section 4 of, amended	1125
Chapter 111 of, amended	1132
Chapter 128, Section 1 of, amended	1133

RICE, MARY L.—

Title of act to divorce, from her husband, Thomas B. Rice . . . 1229

RIDGELY, HENRY—

Joint resolution to pay, \$35 1198

RIVERSIDE REAL ESTATE COMPANY—

Title of act to incorporate the 1209

RIVERVIEW CEMETERY COMPANY OF WILMINGTON,
DELAWARE—

Title of act to reincorporate the 1207

RIVERSIDE TERRA COTTA COMPANY—

Title of act to incorporate the 1209

ROACH, JOHN HENRY—

Title of act to make, son and heir-at-law of Sarah A. Roach . . 1220

ROADS AND BRIDGES—

An act to permanently improve the condition of certain public
roads in New Castle county 843

An act to enlarge the powers of the road commissioners of Pen-
cader hundred, New Castle county 849

Commissioners authorized to borrow money 849

Provisions for payment 849

An act to amend Chapter 85, Volume 16, Laws of Delaware . . 850

Road commissioners of Red Lion hundred authorized to borrow
money; purposes of 850

Provisions for payment 850-51

An act to provide for the permanent protection of a certain public
road in New Castle hundred from flood and inundations of the
Delaware river 851

Appropriation by Levy Court to Mill Creek Marsh Company . . 852

Expenditures, provisions for 852-53

An act to supplement and amend Volume 15, Chapter 407, and
Volume 17, Chapter 534 853

Tax rate in New Castle hundred; tax for new roads, how levied . 853

Provision for clearing roads of snow 853

An act authorizing the widening of a road in Christiana hundred,
New Castle county 854

Commissioners 854

Location of roads; common width of 854

Duties of commissioners; plot and return 854-55

Appropriation 855

ROADS AND BRIDGES—CONTINUED.

Oath of commissioners and surveyor; acts of majority valid; vacancies	855
Compensation; adoption of road	855
An act in relation to Augustine marsh	856
Levy Court authorized to contract with marsh companies	856
An act to protect county roads and bridges	856
Not to be occupied by railway without consent of Levy Court	856
An act in relation to roads and highways in Brandywine hundred	857
Annual election of supervisors	857
Districts, of what composed	857
Office of road commissioner abolished	857
Appointment of supervisors, duties, term of office, meetings, settlement with road commissioners	858
Estimates and assessments of taxes	858-59
Time of mending roads; notice; who may work	859
Division of roads; how maintained	859
Accounts, inspection of, audit of	860
Compensation of supervisors	860
Work on roads, per diem for	860
Claims, semi-annual settlement of	860
Snow, clearing roads of	860
Supervisors may borrow money	861
Vacancies, how filled	861
Neglect of duty a misdemeanor; jurisdiction of justice of the peace; fines	861
Elections, provisions for	861-2
Deposit of funds; how drawn	862
Effect of act	862
An act to lay out a public road in Kenton hundred, Kent county, Delaware	863
Commissioners	863
Location of road; surveyor	863
Assessment; plot and return	863-4
Oath of commissioners and surveyors; acts of majority valid; vacancies; compensation	864
An act authorizing the opening and laying out of a new public road in Kenton hundred, Kent county	865
Commissioners, duties of; location of road; surveyor	865
Plot; assessment and return	865-6
Oath of commissioners and surveyor; vacancies; compensation, etc	866
An act to lay out a new public road in South Murderkill hundred, Kent county	867
Commissioners, duty of; location of road; surveyor	867
Plot; assessment and return	867
Oath of commissioners and surveyor; vacancies; compensation, etc	867-8
An act to lay out a public road in Milford hundred	868
Commissioners, duties of; location of road; surveyor	868
Plot; assessment and return	868-69

ROADS AND BRIDGES—CONTINUED.

Oath of commissioners and surveyors; vacancies; compensation, etc.	869
An act to lay out a public road in Kent county	870
Commissioners, duties of; location of road; surveyor	870
Plot; assessment and return	870
Appropriation	870
Oath of commissioners and surveyor	870
An act to vacate a certain private road in Mispillion hundred	871
Location of road vacated	871
An act to change the course of a certain public road in Mispillion hundred, Kent county	872
Commissioners, duties of; location of road; surveyor	872
Assessment; plot and return	872
Oath of commissioners	872
Acts of a majority valid; vacancies; fees	873
An act to open a new public road in South Murderkill hundred, in Kent county	873
Commissioners, duties of	873
Location of road; surveyor	873
Plot; assessment; return and approval	874
Oath of commissioners and surveyor; compensation	874
An act to authorize the laying out of a new public road in South Murderkill hundred, Kent county, Delaware	875
Commissioners, duties of	875
Location of road; surveyor	875
Plot; assessment; return, acceptance of; allowance	875-6
Oath of commissioners; acts of majority	876
Vacancies; how filled; fees	876
An act to change the course of a public road in Mispillion hundred, Kent county, Delaware	876
Commissioners, duties of	876
Location of road; surveyor	877
Plot; assessment; return, acceptance of	877
Oath of commissioners and surveyor; vacancies	878
Fees	878
An act for the removal of snow from the public roads	878
Duty of road overseers in Kent county to remove	878
Allowance by Levy Court	879
Act to apply to necessary removals only	879
An act to lay out a new public road in Cedar Creek hundred, Sussex county, Delaware	879
Commissioners; duties of	879
Location of road; surveyor	879-80
Plot; assessment; return, acceptance of	880
Oath of commissioners; compensation	880
An act to lay out a new public road in Indian River hundred, Sussex county	881
Location of road; surveyor	881
Plot; assessment; return, acceptance of	881-2

ROADS AND BRIDGES—CONTINUED.

Oath of commissioners and surveyor; acts of majority	882
Vacancies, how filled; fees	882
An act for the adoption by Sussex county of a road in Nanticoke City, Seaford hundred	883
Commissioners, duties of	883
Location of road; surveyor	883
Plot; assessment; return, adoption of	883-85
Oath of commissioners and surveyor	884
Acts of majority valid; vacancies, how filled; fees	884
An act authorizing the laying out of a new public road in Dagsboro and Nanticoke hundreds, Sussex county	885
Commissioners, duties of	885
Location of road; surveyor	885
Plot; assessment; return, acceptance of	885-86
Oath of commissioners and surveyor	886
Vacancies, how filled; compensation	886
(See <i>Prisons</i> .)	
(See <i>Railroads</i> .)	
(See <i>Wilmington City</i> .)	

ROBINSON, HON. A. P.—

Joint resolution in relation to death of	1165
--	------

ROE, JULIA—

Title of act to divorce, from her husband, Alexander K. Roe	1233
---	------

ROGERS, NATHAEIEL—

Title of act to divorce, from Mary A. Rogers	1231
--	------

ROMAN CATHOLIC RELIGIOUS CORPORATIONS—

An act in relation to	684
Corporation, what officers to constitute	684-85
Certificate of corporation, how acknowledged	685
Where to be recorded	685
Powers and duties of such corporations	685
Vacancies, how filled	685
Change of name	686
Certificate of	686
Receipt of lands, chattels, etc., from mother of society	686
Gifts heretofore made; disposal of	686

RUTH, WILLIAM A.—

Title of act to divorce, from his wife, Harriet E. Ruth	1228
---	------

S

SAKIMAS TRIBE, NO. 10, IMPROVED ORDER OF RED
MEN, OF NORTH MILFORD, DELAWARE—

Title of act to incorporate 1205

SALARIES—

An act in relation to the compensation of officers of the two
houses of the General Assembly 666
Fixed salaries of the officers of the two houses 666
Salary of insurance commissioner 683
County treasurer of Sussex county to receive \$100 additional . . 757
Salary of fish policeman 765
Oyster policeman, salary of 765
Superintendent New Castle work house, salary of 845
(See *Cities and Towns.*)
(See *Levy Court.*)
(See *Resolutions.*)

SALES—

(See *Aliens.*)
(See *Conveyances.*)
(See *Sheriffs.*)

SANITARIUM COMPANY—

An act to incorporate the, of Wilmington, Delaware 967
Corporators; corporate title; powers; object 967
Subscriptions; organization; election of officers, number of;
annual meetings, voting at 968
Powers and duties of directors 968-69
Capital stock; payment of subscriptions 969
Principal office; branch offices 969
Inebriates, proceedings for commitment of 969-71

SAULSBURY, HON. ELI—

Joint resolution on the death of 1176

SAULSBURY, WILLARD, JR.—

Authorized to publish equity reports 1154

SCHOOLS, FREE—

An act to amend an act entitled "An act to provide for free text
books for the free schools of the State," 687
Purchase of books from Landreth L. Layton; prices; conditions . 687

SCHOOLS, FREE—CONTINUED.

An act to repeal Chapter 47, Volume 17, Laws of Delaware . . .	687
An act in relation to public schools	688
Distribution of funds in New Castle county	688
State Auditor, annual settlement with	688
Distribution of funds for Kent and Sussex counties	688-9
Dividends deposited; how drawn	689
Draft, form of	690
Salaries, drafts for; limit of; to be paid from dividends	690
Increased salaries, how paid	690
Settlement with State Auditor; allowances unaltered	690
Examination of teachers; certificates, grades of	680-91
Certificate, how countersigned	691
Annual report of teachers, contents of	691-2
Teacher's report to State Treasurer; contents of, how verified; fees; failure to report	692
Commissioners, names of; to whom transmitted	692-93
Teachers' appointment, notice of	693
Additional expenses, how met	693
Insurance of school property	693
Incorporated colored schools abolished; future government of	693
Superintendents' salaries, how paid	693
Funds for colored schools, control of	693
School property exempt from taxes	693
Publication of act	694
An act to amend an act entitled "An act to establish the Kenton Public Schools," Chapter 459, Volume 17, Laws of Delaware	694
Tax limit	694
An act to enable the Delaware City, Delaware, Public School to change the time of holding their annual election	695
Date of election; vacancies	695
Annual assessment	695
An act to incorporate School District, No. 119, in Kent county, and for other purposes	695
Commissioners; terms; vacancies	696
Corporation; powers; election officers	696-97
Additional school building, cost of; funds, how secured	697
Annual assessment: dividends to be paid	698
Board, powers and duties of; meetings	698-99
A supplement to the act entitled "An act for the advancement of popular education," passed at Dover, March 13, 1891	699
Bonds, issue of; amount; application of proceeds; date and num- ber of; payment; redemption, notice of	700-1
Printing and sale of bonds; how signed; form of; coupons; can- cellation of	701-2
Bonds a lien	702
Assessment and collection of taxes; application of	702-3
Compensation of secretary and treasurer	703
Notice to voters	703
Manner of selecting site for school building	703

SCHOOLS, FREE—CONTINUED.

Proceedings for selection of site	704
A supplement to Chapter 496, Volume 18, Laws of Delaware, School Districts 22 and 99 subdivided and consolidated . . .	704-5
An act appointing a committee to erect a new schoolhouse in School District No. 20, in Sussex county, and for other pur- poses	705
Finance committee appointed, duties of	705
Deeds, how taken	705
May borrow money; bonds and mortgage, execution of; payment of	706
Assessment to pay bonds	706
Seal of office; report of committee; vacancies	706-7
An act in relation to the Middletown schools	708
Districts Nos. 60 and 94 subdivided and reunited	708
Name; powers; government	708
An act to amend an act entitled "An act to establish the Kenton Public Schools," Chapter 459, Volume 17, Laws of Delaware . . .	709
Tax limit	709
An act to divide School District No. 61, of New Castle county, into two districts, and for other purposes	710
District No. 61 subdivided and reunited	710
Corporate name	710
Board of education; powers; duties; organization; vacancies; elec- tion of members	710-11
Tax levy	711
May borrow \$2,000; purpose of	711
An act for the relief of United School Districts 39 and 41, in New Castle county	712
Districts subdivided and reunited	712
Corporate title	713
Board of education; powers; organization; vacancies	713
New members, election of	713
Tax levy and dividend	714
An act to divide School District No. 53, of New Castle county, Delaware, into two districts, and for other purposes	714
District No. 53 subdivided and reunited	714
Corporate title	715
Board of education; powers; organization; vacancies	715
New members, election of	715
Vacancies, how filled	716
Tax levy; dividends	716
An act to divide School District No. 78, in New Castle county, into Districts Nos. 78, 78¼ and 78½, and to consolidate the same, etc.	716
Boundaries; officers	717
Property to vest; debts, liability for	717
Dividends; taxes	717

SCHOOLS, FREE—CONTINUED.

An act dividing School Districts Nos. 81 and 81½, of New Castle county, into three school districts, and establishing a Board of Education for Townsend, etc.	718
Districts subdivided and reunited	718
Corporate title	718
Board of education; powers; term; vacancies; election of; oath; qualification	718-20
Illegal voting; report	720-21
Levy and collection of taxes; oath of members; bond of secretary and treasurer	721
An act to divide, consolidate and incorporate United School Districts Nos. 77 and 99, in New Castle county	722
Districts subdivided and reunited; boundaries; corporate title	722-23
Board of education; powers; organization; bond of treasurer; vacancies; election of members	723-24
Taxes and dividends; money borrowed, purposes; how secured	724-25
Tax levy to meet deficiencies	725
An act to extend the lines of the Consolidated School Districts 28 and 121, in Baltimore hundred, Sussex county	726
Lines extended to include house and lot of John E. Holloway	726
An act to change the number of School District 121, in Sussex county	727
District 121 hereafter to be known as District 121½	727
An act to authorize United School Districts Nos 99 and 77, in New Castle county, to borrow money, and for other purposes	727
Committee to sell old schoolhouse and build new one; cost of; may borrow \$3,500	727-28
Bonds and mortgages, how executed; payment of; conditions of; how acknowledged	728-29
Levy and collection of tax	729
Corporate seal	729
Old buildings, proceeds of sale of, how applied	729
Faith of district pledged	729
An act to authorize School Districts Nos. 21 and 97 to borrow money for the purpose of erecting a new schoolhouse in said district	730
Committee may borrow \$8,000	730
Bonds; interest on; payment of; how executed	730
Mortgages, how executed; lien of	730
Assessment and collection of taxes	730
A supplement to the act entitled "An act uniting the School Districts of Seaford," passed at Dover, March 17, 1875	731
Bonds; denomination; number; interest on; redemption of	731
Notice of redemption	732
Sale of bonds; moneys, how applied; form of bond	732
How executed; coupons: bond a lien	733
Assessment and collection of taxes	733
An act to transfer certain lands of Henry A. DuPont from School District No. 26 to School District No. 24, in New Castle county	734

SCHOOLS, FREE—CONTINUED.

An act to transfer the farm of Edward Woodward from United School Districts Nos. 77 and 99, New Castle county, to School District No. 20, same county	734
An act to transfer the lands of Michael Gahagen from School District No. 91 to School District No. 29, in New Castle county	735
An act to transfer the property known as the property of the Cooch Brothers from School District No. 103 to District No. 54, in New Castle county	736
An act to transfer George T. Johnson from School District No. 131 to School District No. 121½, in Sussex county	736
An act to transfer the home farm of Mary J. Lingo from School District No. 45 to United School Districts Nos. 44 and 150, and also to transfer a certain tenant farm from United Districts Nos. 44 and 150 to District No. 45	737
An act to extend the limits of United School Districts, Nos. 97, 97½, 135 and 135½, Sussex county	738
Capt. Ebe Chandler's land included	738
An act to transfer the farm of Benjamin F. B. Woodall from consolidated School Districts Nos. 2, 100, 103 and 104 to School District No. 85, in Sussex county	738
An act transferring lands of George W. McGee, situated in School District No. 40, in Sussex county, from said School District, No. 40, to School District No. 43, in said county	739
An act to transfer the farm of George H. Hall from consolidated School Districts Nos. 2, 100, 103 and 104, to School District No. 85, in Sussex county	740
An act transferring the farms now belonging to Ahasuerus Tindal, and situated in School District No. 56, in Sussex county, from said district No. 56 to School District No. 154, in said county	741
An act to transfer the farm of William H. Truitt from School District No. 185, in Sussex county, to School District No. 41, in said county	742
An act transferring Isaac Derrickson from School District 134 to School District 140, in Sussex county	1139

SCOTT, JOHN C —

Title of act to divorce, from his wife, Martha Scott	1227
--	------

SEAFORD—

Additional notary public for	674
--	-----

SEAFORD HUNDRED—

Act for the adoption by Sussex county of road in	883
--	-----

SEALS—

Clerk of Court of Errors and Appeals authorized to procure a new	678
--	-----

SEALS—CONTINUED.

Joint resolution authorizing the Secretary of State to procure a new press and seal of office	1178
New seal, design and device of	1178
Old seal to be broken	1178
(See <i>Incorporations.</i>)	

SECRETARY OF STATE—

To publish a proposed amendment to the constitution	617
Collection of State tax by	627
To publish fifty copies of act relating to special election	662
Act to repeal an act in relation to the office of	667
To deliver licenses to Insurance Commissioner	682
To publish act in relation to public schools	694
To publish act relating to Board of Health, as amended	752
To publish 300 copies of oyster law	801
To collect State tax from foreign corporations	900
Appointment of committee to settle with	1146
Joint resolution authorizing the payment of \$129.31 to the	1148
Joint resolution appropriating \$800 to the contingent expenses of the office of	1150
Authorized to correct title of house bill 163 when published	1176
Authorized to procure a new press and seal of office	1178
To distribute copies of Digest of State Reports	1183
To certify amounts due State constables	1184
To have published a report of State Board of Health	1185
To correct a certain bill in its publication	1189
Authorized to index executive register	1191

SHAW, WILLIAM K.—

Title of act to divorce, from his wife, Mary E. Shaw	1230
--	------

SHERIFFS—

Duty of, under act prescribing election with respect to convention	619-20
An act to amend Chapter 32 of the Revised Code; deputy sheriff made eligible	667
An act concerning process in the hands of Robert G. Dunn, late sheriff of Kent county	668
Successor in office to complete process	668
Duty of, to settle account of fines and forfeitures with State Auditor	669
Appointed to fill vacancy, authorized to make deeds for lands under execution by predecessor; to apply to sales heretofore made	1117
Successor to Robert G. Dunn authorized to execute certain deeds	1197
(See <i>Conveyances.</i>)	
(See <i>Deeds.</i>)	
(See <i>Elections.</i>)	

SHORT, NETTIE M.—

Title of act to divorce, from her husband, John H. Short 1226

SIMMONS' MANUFACTURING COMPANY—

Title of act to incorporate 1210

SINEPUXENT TRIBE, NO. 16, IMPROVED ORDER OF
RED MEN, OF WHITESVILLE, SUSSEX COUNTY,
DELAWARE—

Title of act to incorporate 1216

SMITH, LETITIA W.—

Title of act to divorce, from her husband, Valentine D. Smith . 1232

SMYRNA—

An act to authorize the town commissioners of the town of
Smyrna to construct drains and sewers for draining said town,
and also to establish an electric plant for lighting the same, and
to provide the necessary funds therefor 1085
Commissioners authorized to borrow money; amount of, how
applied 1085
Bonds; denomination; date; interest; payment of; redemption,
notice of 1085-86
Sale of bonds; proceeds; form; execution; tax exemption; cancel-
lation 1086
Application of sewer revenues 1086
Surplus; tax assessment; sinking fund 1087
Authority of commissioners to construct drainage; proceedings 1087-89
Damage to town property; fine 1089
Government of water and light plants 1089-90
Duty of commissioners to call special elections; notice; voting,
object of 1090
Result of vote to determine amount to be borrowed 1090-91

SMYRNA AND WOODLAND BEACH ELECTRIC RAIL-
WAY COMPANY—

Commissioners; duties 933
Stock, subscription of, and capital 933
May borrow money 933
Corporate name and powers 934
Meeting of subscribers 934
Annual meeting; election of officers; vacancies, how filled; officers
to give bond 934-35
Location of road 935
May contract with Baltimore and Delaware Bay railroad 935
May cross county bridges 935
Condemnation of land, etc. 935

SMYRNA AND WOODLAND BEACH ELECTRIC RAIL- WAY COMPANY—CONTINUED.

Object of road and motive power	936
Shall conform to established grade	936
Certificates of stock to be delivered	936
May be transferred; failure to hold annual election not to dissolve corporation; election at other times	936
May establish electric plant in Smyrna	937
Construction, when to begin; when completed	937

SNOW—

Removal of, from the roads of New Castle hundred	853
Act for removal of, from public roads in Kent county	878

SOCIETY FOR PREVENTION OF CRUELTY TO ANIMALS

\$250 appropriated to	1172
---------------------------------	------

SOCIETY FOR PREVENTION OF CRUELTY TO CHILDREN—

\$600 appropriated to	1168
---------------------------------	------

SOMERS, ROBERT E.—

Title of act to divorce, from Lizzie Somers	1230
---	------

SOUTH MILFORD ELECTION DISTRICT—

Place of voting in	623
------------------------------	-----

SOUTH MURDERKILL HUNDRED—

Act to lay out public road in	867
Act to lay out public road in Kent county	870
Act to open a public road in	873
Act to authorize the laying out of a new road in	875

STATE AUDITOR—

(See *Auditor of Accounts.*)

STATE BOARD OF HEALTH—

(See *Health, Public.*)

STATE COLLEGE FOR COLORED STUDENTS—

(See *Colleges.*)

STATE HOUSE—

Joint resolution to pay James A. Clifton for repairs to furniture of	1154
Joint resolution in relation to State Treasurer's office in	1158
Joint resolution relating to certain changes in the offices of	1192
Joint resolution authorizing the repair of certain parts of	1192

STATE LIBRARIAN—

(See *Librarian.*)

STATE LIBRARY—

Joint resolution in relation to furnishing the, with Revised Code	1066
---	------

STATE LOAN—

(See *Troop B Association of Wilmington.*)

STATE MORTGAGE—

Joint resolution respecting the interest due on, from trustees of Troop B Association	1175
State Treasurer authorized to collect	1175

STATE TREASURER—

To issue licenses to distillers	631
Authorized to purchase certain text books from Landreth L. Layton	687
Distribution of school dividends by	688-89
Payment by, to Delaware Industrial School for Girls	747
Directed to pay \$600 to secure display of women's work at the World's Fair	1138
Committee to settle with	1143
Joint resolution appointing	1147
Joint resolution authorizing, to pay James Kirk & Son \$600	1162
Authorized to pay State constables	1167
Directed to pay Delaware Society for the Prevention of Cruelty to Children \$600	1168
Directed to pay Delaware Society for the Prevention of Cruelty to Animals \$250	1172
Authorized to take from school fund temporarily \$30,000	1173
Directed to collect interest due State from Troop B Association	1175
Authorized to borrow temporarily from the school fund sums of money to meet deficiency in general fund	1191
Authorized to make certain alterations in Capitol Building	1192
Authorized to pay Henry Ridgely \$35	1198

(See *Appropriations.*)

STATUTES OF DELAWARE—

(See *Revised Code.*)

ST. AUGUSTINE MARSH COMPANY—

Title of act to incorporate the 825
(See *Ditches*.)

ST. GEORGES—

An act to amend an act entitled "An act to amend Chapter 460,
Volume 15, Laws of Delaware, entitled 'An act to reincorpo-
rate the Town of St. Georges, and for other purposes,'" . . 1081
Town election, when held 1081

ST. GEORGES AND KIRKWOOD ELECTRIC RAILWAY
COMPANY—

Commissioners; duties of 918-19
Name 919
Capital stock; limit of 919
May borrow money; how secured 919
Corporate title; powers 819
Meeting of subscribers; notice of; time and place of 919
Directors, election of; other officers; bond of 920
May build railroad; location; motive power 921
Streets; use of 921
Crossings not to be at grade 921
Lands, how acquired 921-22
Grades 923
Certificates; dividends 923
Election; failure to hold not to dissolve corporation 923
Electric light plant; establishment of 923
Construction; when to begin; completion of 924

ST. JOHN'S CHURCH, WILMINGTON, DEL.—

Title of act in relation to 1221

ST. JOSEPH POLISH CATHOLIC BENEFICIAL SOCIETY
OF THE CITY OF WILMINGTON—

Title of act to incorporate 1216

ST. JOSEPH'S SOCIETY FOR COLORED MISSIONS—

An act in relation to 747
Commitment of abandoned colored boys to 748
Copy of evidence, where filed 748

ST. MARY'S TOTAL ABSTINENCE BENEFICIAL SOCIETY,
OF WILMINGTON, DELAWARE—

Title of act to revive, renew and continue the charter of 1202

STOUT, HANNAH MARIA—

Title of act to divorce, from her husband, Daniel T. Stout . . . 1228

STOWE, MARGARET J.—

Title of act to change the name of 1220

STRAYS—

An act to prohibit live stock from running at large within the limits of this State 804
 Impounding of stock found at large 804
 Notice to owner, how given 805
 Refusal to give notice; effect of 805
 Damages, assessment of; how recovered; sale of stock after ten days' notice; advertisement; postponement; proceeds, deposit of; how applied if not claimed within one year 805-6
 Act not to apply to stock in charge of drovers 806
 Accidental escape, proof of 806
 Stock running upon salt marshes exempt 806
 Former stray laws repealed 806
 An act exempting certain school districts from the general stock law of this State 806
 School Districts Nos. 5 and 116, 4 and 127, 1 and 174, in Sussex county, exempt 806-7
 (See *Animals*.)

STREETS AND HIGHWAYS—

Unlawful to occupy by railway without consent of levy court . . 856
 (See *Cities and Towns*.)
 (See *Railroads*.)
 (See *Roads and Bridges*.)

SUPERINTENDENTS OF FREE SCHOOLS—

Duties of, under act in relation to public schools 688-693

SUPERIOR COURT—

(See *Courts of Justice*.)

SUPPLEMENTS—

A further supplement to an act entitled "An act authorizing the Levy Court of New Castle county to make a loan for the benefit of the Trustees of the Poor of New Castle county," passed March 30, 1883 634
 A supplement to an act entitled "An act in relation to the collection of taxes in Kent and Sussex counties," passed at Dover, March 23, 1893 652
 A further supplement to an act entitled "An act in relation to the collection of taxes in Kent and Sussex counties," passed at Dover, March 23, 1893 653
 A supplement to the act entitled "An act for the advancement of popular education," passed at Dover, March 13, 1891 . . . 699

SUPPLEMENTS—CONTINUED.

A supplement to Chapter 496, Volume 18, Laws of Delaware . . .	704
A supplement to the act entitled "An act uniting the school districts of Seaford," passed at Dover, March 17, 1875	731
A supplement to an act entitled "An act to regulate the practice of pharmacy in the State of Delaware"	750
Supplement to the act entitled "An act concerning private corporations," passed at Dover, March 13, 1883	899
A further additional supplement to the act entitled "An act to establish a bank and incorporate a company under the name of 'The Farmers' Bank of the State of Delaware,'"	901
A further additional supplement to the act entitled "An act to incorporate the Delaware Railroad Company"	902
A supplement to an act entitled "An act in relation to Municipal Elections to be held in the City of Wilmington," passed at Dover, April 6, 1893	1017
An act, being a supplement to Chapter 36, Volume 12, Laws of Delaware, entitled "An act to incorporate the town of Middletown"	1070

SUSSEX COUNTY—

- (See *Boundaries*.)
- (See *Collectors*.)
- (See *County Treasurer*.)
- (See *Ditches*.)
- (See *Levy Court*.)
- (See *Poor*.)

SYLVAN CEMETERY COMPANY—

Title of act to incorporate	1218
---------------------------------------	------

T

TALLEYVILLE LODGE, No. 19, KNIGHTS OF PYTHIAS
OF DELAWARE—

Title of act to incorporate	1203
---------------------------------------	------

TAVERNS—

An act to further amend Chapter 418, Volume 14, Laws of Delaware	760
Special license to retailers of goods, wares and merchandise to sell liquors; fees	760
Special license to tavern keepers to sell liquors to be drunk off the premises; license fee	760
Clerk of the Peace may issue	760

TAVERNS—CONTINUED.

Special fractional license, how procured; fee	760-61
An act to amend Chapter 503, Volume 17, Laws of Delaware . .	761
Fractional license by resident judge, when granted	761
An act to amend the act entitled "A further supplement to the act entitled 'An act to regulate the sale of intoxicating liquors,'" passed at Dover, April 24, 1889, being Chapter 555, Volume 18, Laws of Delaware	762
Application for license; when not six freeholders, who may sign .	762
(See <i>License</i> .)	

TAPPAHANNA MARSH DITCH COMPANY—

Supplement to charter	812
---------------------------------	-----

TAX COMMISSIONERS—

Joint resolution authorizing the payment of	1179
---	------

TAX, DIRECT—

Committee to settle with the Governor for the distribution of . .	1163
---	------

TAXES—

Lien of; limitation	632
Act in relation to collection of, in Kent and Sussex counties . .	650
Supplement to act in relation to the collection of, in Kent and Sussex counties	652
Further supplement to act in relation to collection of, in Kent and Sussex counties	653
Receipts for, how written	656
Act in relation to the collection of	656
(See <i>Assessors</i> .)	
(See <i>Collectors</i> .)	
(See <i>Lien</i> .)	

TEXT BOOKS—

(See *Schools, Free*.)

THOMAS, MARY—

Title of act to divorce, from her husband, Heman M. Thomas .	1233
--	------

TINDAL, AHASUERUS—

An act transferring the farms of, from School District No. 56 to School District No. 154, in Sussex county	741
---	-----

TITLE—

(See *Acts, Private*.)
(See *Aliens*.)

TRADE—

- (See *Banks.*)
- (See *Express Companies.*)
- (See *Hawkers and Peddlers.*)
- (See *Holiday.*)
- (See *Insurance Companies.*)
- (See *Labor Day.*)
- (See *License.*)
- (See *Mason Work.*)
- (See *Trade Marks.*)

TRADE MARKS—

- An act to protect associations and unions of workingmen and persons in their labels, trade marks and forms of advertising . . . 895
- Unlawful to counterfeit; punishment 895
- Using counterfeit label a misdemeanor; punishment 895
- To be filed with Secretary of State; certificate evidence 895
- Injunction against use or manufacture; damages; order of court . . . 896
- Genuine label, etc., unlawful use of a misdemeanor; punishment; who may prosecute 896
- Unlawful use of any label or trade mark a misdemeanor; punishment 896
- Justice of the peace, jurisdiction of 896-97

TREASURER OF THE POOR—

- Office of, of Sussex county, abolished 756
- Act when to take effect 756
- Powers and duties vested in County Treasurer 756
- (See *Poor.*)

TROOP B ASSOCIATION—

- Joint resolution respecting the interest due the State from the trustees of 1175
- (See *State Mortgages.*)
- (See *State Treasurer.*)

TRUITT, WM. H.—

- Farm of, transferred from School District 185 to School District 41, in Sussex county 742

TRUSTEES OF THE POOR—

- Loan for benefit of, of New Castle county; time extended . . . 634-5
- (See *Levy Court.*)

TYNDALL, ANNIE C.—

- Title of act to divorce, from her husband, Samuel L. Tyndall . . . 1225

U

UNION PARK COMPANY—

Title of act to incorporate the 1204

UNITY LODGE, NO. 41, INDEPENDENT ORDER OF ODD
FELLOWS OF THE STATE OF DELAWARE—

Title of act to incorporate 1208

V

VACANT LANDS—

Act renewing act granting title of a certain tract of salt marsh to
William A. Atkinson 626

VAGRANTS—

(See *Prisons.*)

VINES BRANCH DITCH COMPANY—

Act to incorporate 807

VINES BRANCH EXTENSION DITCH COMPANY—

Act to incorporate 812

VOTING—

Amendment to the Constitution of the State of Delaware as to
means, methods and instruments of, ratified 616
Manner of, under act to provide for the secrecy and purity of the
ballot, passed at Dover, May 15, 1891 665

W

WALTON AND WHANN COMPANY—

Title of act to amend the certificate of incorporation of 1212

WARREN ATHLETIC CLUB—

Title of act to incorporate the 1203

WASHINGTON CAMP, No. 5, PATRIOTIC ORDER SONS
OF AMERICA, OF WILMINGTON—

Title of act for relief of 1210

WASHINGTON STREET CLUB STABLES—

Title of act to renew and extend charter of the 1204

WATER WITCH STEAM FIRE ENGINE COMPANY, NO. 5,
OF WILMINGTON—

An act to revive, restore, renew and reenact an act in reference
to the Water Witch Steam Fire Engine Company, No. 5, of
of Wilmington, Delaware, passed March 25, 1881 962
Chapter 306, Volume 8, and Chapter 514, Volume 16, reenacted
Corporations may dispose of property 962
Property of the corporation vested in the corporation hereby re-
vived 963
Council of Wilmington authorized to pay company \$1500, and a
certain allowance semi-annually thereafter 963

WAVERLY INVESTMENT COMPANY—

Title of act to incorporate 1219

WAWASET TRIBE, NO. 9, IMPROVED ORDER OF RED
MEN—

Title of act to reenact charter of 1203

WEIGANDT, MARGARET E.—

Title of act to divorce, and Charles F. Weigandt 1226

WENONAH LODGE, No. 3, SHIELD OF HONOR, OF
WILMINGTON, DELAWARE—

Title of act to incorporate 1208

WEST, ISAAC—

Title of act to divorce, from his wife, Eliza West 1234

WESTERN CAR COMPANY—

Title of act to renew the charter of 1200

WILLEY, JOHN E.—

Title of act divorcing, from his wife, Wilhelmina Willey, and
giving him the custody of his children 1230

WILLIAMS, NATHANIEL—

Joint resolution to pay, \$57.84 1164

WILLIAMSON, SARAH JANE—

Title of act to divorce, from her husband, Thomas B. Williamson 1228

WILMINGTON AND BRANDYWINE SPRINGS RAILWAY
COMPANY—

Act to incorporate the 912
 Commissioners 912
 Corporate name; powers; object 912
 Motive powers 913
 Location; use of roads and bridges; other land; proviso . . . 913-14
 Consent of authorities 914
 Crossings not to be at grade 914
 May contract with Wilmington City Railway 914
 Agreement, when binding 914
 Time of commencement and operation 914
 May extend line to Union street 915
 Capital stock; may borrow money 915
 Directors, how elected; term; vacancies, how filled 915
 Meeting of subscribers; time; place; notice 916
 Vote in person or by proxy 916
 Special meetings, time and place of 916
 Dividends 916
 Condemnation of land, etc. 917
 Writ of *ad quod damnum* not to defer work 917
 Misdemeanor to injure property of company; penalty 918

WILMINGTON CONFERENCE ACADEMY—

Act to reincorporate the 744

WILMINGTON AND NEW CASTLE ELECTRIC RAILWAY
COMPANY—

Act to incorporate the 904
 Commissioners 904
 Stock, subscription of, and capital 904
 May borrow money 904
 Corporate name; powers 905
 Meeting for organization, time and place of 905
 Officers, election of; vacancies; annual meeting 905-6
 Location of road 906
 May contract with Wilmington City railway 906
 Proviso; terminus; further proviso 906-7
 Arbitrators, how chosen; fees 907
 Use of bridges and roads 907
 To pave between rails in Wilmington 907

WILMINGTON AND NEW CASTLE ELECTRIC RAILWAY COMPANY—CONTINUED.

May purchase land; petition to resident judge; freeholders appointed	907
Notice to parties interested; place of meeting; report; power of court to confirm; fees; shall erect fence	908
Object; motive power	908
Must obtain consent of authorities before using streets and conform to established grades	909
Certificates of stock; dividends, when declared	909
Failure to hold election not to dissolve corporation	910
Electric plant in New Castle; other powers	910
Charter good for twenty years	910
Work, when begun; when completed	910

WILMINGTON CITY—

Appointment of additional notary public	675
An act to amend Section 40, Chapter 660, Volume 18, Laws of Delaware, passed at Dover, April 19, 1889	980
City Solicitor, who eligible	980
An act to further induce the improvement of certain real estate in the Second Ward of the City of Wilmington	981
Certain real estate in Second Ward exempt from taxation, if used for purpose of manufactory	982
Limit of exemption; city council to determine	982
Boundaries of land exempted	982-83
An act to further amend an act entitled "An act to revise and consolidate the statutes relating to the City of Wilmington," passed April 13, 1883	983
Board of Health, power of; to order sewer connections	983
Offensive matter, removal of	983
An act in relation to municipal elections to be held in the City of Wilmington	984
Acts repealed	984
Elections in Wilmington, how conducted	984
Department of elections, powers of	984
Elections, by whom held; compensation	984-85
Election districts	985
Books, papers, etc., transfer of, to Department of Elections	985
Salary of members of department, how payable	985
Registration, revision of; duties of members of department relating to	985-86
Impersonation of voter, effect of; punishment for	986
Duties of Clerk of the Peace devolving upon Department of Elections	986
Officers, dismissal of; clerks and assistants, compensation of	986-87
Political party, what constitutes; certificate of voters	987
Ballots; by whom issued	987
Nominations, certificates of; acknowledgment	987

WILMINGTON CITY—CONTINUED.

Party title, device, use of; symbols prohibited	987-88
Supplemental certificates	988
Factions, which entitled to device	988
Voters, qualifications of	988-89
Members of council, when chosen; vacancies	989
New election districts, officers of	989
Failure to hold election not to dissolve corporation	989
Elections; ballots; hours of voting	989
Election and registration expenses, how provided for	990
Vacancies among candidates, provisions for	990
Ballots, misdemeanor to deliver to others than department of elections	990-91
Ballot boxes, etc., how provided	991
Canvass of votes, how conducted	991
Disposal of ballots; return; certificate of; how sealed and secured; to whom directed	992
Tallies, to whom directed	992
Delivery of statements and tallies	992-93
Duty of certain officers to remain at their offices; who shall attend after failure of officers to attend	993
Poll lists, how certified; where filed	993
Delivery of papers; receipt for	993-94
Canvass by Department of Elections; proceedings of	994
Delivery of certificate	994
Certificates to persons elected; form of; delivery; evidence	995
City council to examine certificates	995
Tie vote, how decided	995
Contest of election; proceedings in	995
Powers of council in election contests	996
Decision, publication of	996
Board of Public Education; election for members not affected	996
An act to authorize "The Mayor and Council of Wilmington" to pass an ordinance making a certain appropriation of money	996
Council authorized to appropriate money to meet deficiency in police department	997
An act to amend an act entitled "An act to provide for the registration of voters in the City of Wilmington," Chapter 39, Volume 19, Laws of Delaware	997
Registration extended to include municipal election	997
Members cannot be candidates for city office; when operative	997
Compensation of members of department	998
Inspectors, appointment of	998
Vacancies, how filled	998
Challengers, privileges of	998
Refusal of police officer to obey board of inspectors; punishment for	998
An act to further extend the boundaries of the City of Wilmington	999
Boundaries of territory added to city	999

WILMINGTON CITY—CONTINUED.

Government of city extended to territory added	999
Assessment of real estate in territory added; rates, how adjusted	1000
Territory added to form part of Ninth ward	1000
An act to provide for a municipal police commission for the City of Wilmington	1000
Police department; management of after May 1, 1893	1000
Board of Police Commissioners, members of; term; successors, by whom appointed; vacancies, how filled	1001
Qualification of members	1001
Removal for cause, how effected	1001
Commissioners not to belong to same political party	1001
Bond of commissioners, approval of; record of	1001-2
Oath of commissioners, to be recorded	1002
Organization of board	1002
Board of Police Commissioners; powers and duties of	1002-3
Jurisdiction over fire alarm and police telegraph systems; control of office and rooms for police purposes	1003
Compensation of commissioners	1003
Police force, appointment of; removal; number of officers	1003
Qualification of members of police force; compensation	1003
Officers of police, salaries of; additional compensation prohibited	1004
Misdemeanor to use badges prescribed by police department; penalty	1004
Police officers, conduct of prescribed	1004
Penalty for violation	1004-5
Ordinances; rules to remain in force	1005
Bills of expenses, copy of; how payable	1005
Matrons for station house; appointment; removal; duty	1005
Physician for board of police commissioners; duties; salary; term of office	1005-6
Contingent fund of board, amount of	1006
Expenses of department, how paid	1006
Act when operative	1006
An act to vacate a portion of Buttonwood street in the City of Wilmington	1007
Portion of street vacated	1007
Wilmington Malleable Iron Company authorized to build upon	1007
Proviso	1007
When street to be reopened	1007
An act to amend Chapter 588, Volume 17, Laws of Delaware	1008
Piers, wharves, etc., may be built when a public necessity	1008
An act respecting a free library, and to increase the usefulness of the schools of Wilmington	1008
Wilmington Institute, when to be maintained by Board of Education	1009
Duty of Board of Education to pay monthly sum to Institute	1009
Appropriation, amount of; yearly increase; ultimate sum	1009
Fund, how raised and appropriated	1009
Property exempted from taxation	1010

WILMINGTON CITY—CONTINUED.

Managers to make by-laws	1010
An act to amend Chapter 209 of Volume 19 of Laws of Delaware	1010
Assessment for street and sewer purposes, when to be made	1010
Side frontage, how determined	1010
Additional sum; payment of	1011
Abatements and additions; face of bill payable after 60 days, 6 per cent. added after 90 days	1011
Properties abutting upon navigable stream not liable for sewer assessment	1011
Former assessments, board of directors may modify	1011
An act to alter the direction of and to vacate portions of certain streets in the Ninth ward of the City of Wilmington	1012
Nineteenth street, east, course of; width	1012
Nineteenth street, west, course of; width	1012
Twentieth street, east, course of; width	1013
Twentieth street, west, course of; width	1013
Twenty-first street, east, course of; width	1013
Twenty-first street, west, course of; width	1012-14
Twenty-second street, east, course of; width	1014
Twenty-second street, west, course of; width	1014
Twenty-third street, east, course of; width	1014-15
Twenty-third street, west, course of; width	1015
Wooddale avenue, east, course of; width	1015
Parts of streets vacated	1015
An act providing for inspector of meats for the City of Wilmington	1016
Qualification of officer	1016
Duties of; not to engage in other business	1016
George Abele appointed; term of office	1016
Council to elect successor or fill vacancy	1016
Salary, how payable	1017
A supplement to an act entitled "An act in relation to municipal elections to be held in the City of Wilmington," passed at Dover, April 6, 1893	1017
Qualifications of electors in the addition to Wilmington made by authority of act herein referred to	1017
An act to amend Chapter 207, Volume 17, Laws of Delaware	1018
Board of Education may meet deficit to the extent of \$10,000 annually	1018
An act relating to the government of the City of Wilmington	1018
Section 1, Chapter 178, Volume 18, amended	1018
Council authorized to elect city officers; terms; salaries	1019
Council authorized to elect the city auditor's clerk and the city treasurer's clerk; term; salaries	1018
An act to authorize the building of an overhead bridge in the City of Wilmington	1020

WILMINGTON CITY—CONTINUED.

Philadelphia, Wilmington and Baltimore Railroad Company au- thorized to construct; location of; may construct foot bridge; location of	1020
Construction to be approved by street and sewer department . .	1020
Private property, proceedings for acquiring	1020
Vacation of street, proceedings for	1020-21
Damages, payment of; return to court	1021
Applications, where to be filed	1021

WILMINGTON AND DELAWARE RIVER WHARF COM-
PANY—

Title of act to incorporate the	1206
---	------

WILMINGTON FIRE INSURANCE COMPANY—

Title of act to incorporate the	1216
---	------

WILMINGTON HUNDRED—

An act to provide for an annual assessment for	649
Annual assessment in	649
Assessors in, compensation of	649
Act authorizing the Governor to appoint an additional Notary Public for	677
(See <i>Assessors</i> .)	

WILMINGTON LODGE, NO. 184, INTERNATIONAL ASSO-
CIATION OF MACHINISTS—

Title of act to incorporate	1206
---------------------------------------	------

WILMINGTON MILLS MANUFACTURING COMPANY—

Title of act for relief of	1223
--------------------------------------	------

WITHERS, MARY R. L.—

Title of act for relief of	1222
--------------------------------------	------

WITNESSES—

(See *Accused Persons*.)

WOODWARD, EDWARD—

Farm transferred from Districts 77 and 99 to District 20, New Castle county	734
--	-----

WORDEN CRATE AND BASKET MANUFACTURING
COMPANY—

Title of act to incorporate the	1202
---	------

WORLD'S COLUMBIAN EXPOSITION—

An act to make a further appropriation for the collection, arrangement and display of the products of the State of Delaware at the World's Columbian Exposition of 1893	1138
\$10,000 appropriated to carry out provisions of Chapter 179, Volume 19	1138
How payable	1138
Statement to Governor by commission	1138
\$600 appropriated for Delaware's Women's Work	1138
To whom paid; certificates	1138
Statement of disbursement to be made to the Governor; proviso	1139
Board of managers authorized to sell state building, etc.	1139
Proceeds, application of; proviso	1139
Joint resolution in relation to the colonial exhibits at the	1198
\$400 appropriated to the	1198

WORLD'S FAIR—

Joint resolution in regard to that portion of the Governor's Message relating to the	1152
--	------

WRIGHT'S MARSH DITCH COMPANY—

Act renewing charter of	810
-----------------------------------	-----

WRIGHT, WILLIAM—

Title of act to divorce, and Lydia C. Wright	1231
--	------

WYOMING—

An act to authorize the town council of the town of Wyoming to borrow \$400 for certain purposes	1058
Purpose of loan; expenditure of	1058
Loan, how secured; payment of; interest	1059
Council authorized to levy tax to pay certificates	1059

WYOMING CASTLE, NO. 22, KNIGHTS OF THE GOLDEN EAGLE, OF DELAWARE—

Title of act to incorporate	1201
---------------------------------------	------

Y

YOUNG MEN'S ASSOCIATION FOR MUTUAL IMPROVEMENT—

Further supplement to the act entitled an act to incorporate the	1216
--	------

**END
OF
VOLUME**